

# Washington, Wednesday, December 1, 1943

# Regulations

# TITLE 26-INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue Subchapter A—Income and Excess Profits Taxes [T.D. 5307]

PART-19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

METHOD OF COMPUTATION OF RECOVERY EX-CLUSION

Section 29.22 (b) (12)-1 (b) (2) of Regulations 111 and corresponding provisions of prior regulations amended to bring method of computation of recovery exclusion into harmony with general policy enunciated in that section.

## Regulations 111

Paragraph 1. Subdivision (ii) of § 29.22 (b) (12)-1 (b) (2) of Part 29 is amended to read as follows:

(ii) The difference between (a) the net income subject to surtax for such original year and (b) the net income subject to surtax computed without regard to section 22 (b) (12) items for such original year.

# Regulations 103

Par. 2. Subdivision (ii) of § 19.22 (b) (12)-1 (b) (2) of Part 19 is amended to read as follows:

(ii) The difference between (a) the net income subject to surtax for such original year and (b) the net income subject to surtax computed without regard to section 22 (b) (12) items for such original year.

# Prior Income Tax Regulations

PAR. 3. Subsection (c) of section 116 of the Revenue Act of 1942 (Public Law 753, 77th Congress) provides as follows:

(c) Under prior revenue acts. For the purposes of the Revenue Act of 1938 or any prior revenue Act, the amendments made to the Internal Revenue Code by subsection (a) of this section shall be effective as if they were

a part of each such revenue Act on the date of its enactment.

Pursuant to the above provision of law, the amendment to Part 19 (covering taxable years beginning after December 31, 1938) set forth in this Treasury decision is hereby made applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), corresponding provisions of prior internal revenue laws, and sec. 116 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] ROBERT E. HANNEGAN, Commissioner of Internal Revenue.

Approved: November 29, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-19164; Filed, November 30, 1943; 11:11 a. m.]

# TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 228]

RECORDS OF ABSENCE FROM OFFICIAL DUTY, 1944 (STATE AND NATIONAL)

# ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 9297, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 85, entitled "Record of Absence from Official Duty, 1944 (State)," 1 effective as of the first day of January, 1944.

Revision of DSS Form 85A, entitled "Record of Absence from Official Duty, 1944 (National)," 1\_effective as of the first day of January, 1944.

Filed as part of the original document.
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The foregoing revisions shall become part of the Selective Service Regul effective as of the first day of Jan 1944.	ations

- LEWIS B. HERSHEY, Director

OCTOBER 9, 1943.

[F. R. Doc. 43-19128; Filed, November 29, 1943; 2:46 p.m.]

## Chapter IX—War Production Board

Subchapter B-Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

### PART 933-COPPER

[Conservation Order M-9-c as Amended Nov. 30, 19431

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 933.4 Conservation Order M-9-c-(a) Restrictions on manufacture of articles appearing on combined list. No manufacturer of any article on the combined list attached, or of parts (including repair parts ) for any such article, may, if such article or parts contain copper products, or copper base alloy products, continue their manufacture by means of processing, assembling or finishing.

(b) Restrictions on manufacture of articles not appearing on combined list out of inventory on hand on June 30, 1942. (1) A manufacturer of any article omitted from the combined list or excepted from that list, or of parts (including repair parts ') for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing:

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after June 30, 1942; or

(ii) Unless such articles or parts are being manufactured to fill a purchase or-der, existing or prospective, bearing a preference rating of AA-5 or higher or, in the case of a controlled materials producer under the Controlled Materials Plan, to fill an authorized controlled material order; and no such article or part so manufactured shall be delivered except to fill such an order or

(iii) Unless the manufacturer has been specifically authorized in writing by the War Production Board, pursuant to an application on Form WPB-940 (formerly Form PD-426) or otherwise, to manufacture the article or parts in question with the copper products or copper base alloy products being used.

(2) The provisions of paragraph (b) (1) shall not apply to a manufacturer assembling a completed fractional horsepower electric motor into machinery of any kind omitted from the combined list or excepted from that list. The pro-

<sup>&</sup>lt;sup>1</sup> See also paragraph (f) (3) permitting the manufacture of repair parts to make specific repairs of used articles under certain conditions.

<sup>&</sup>lt;sup>2</sup>Priorities Regulation No. 1, § 944.14, prohibits the manufacture of more than a practicable minimum working inventory of articles or parts to fill prospective orders.

visions of paragraph (b) (1) shall also not apply to the manufacturing of any machinery omitted from the Combined List or excepted from that list, or of parts (including repair parts) for such machinery, if the only copper products or copper base alloy products used which were in the inventory of the manufacturer on June 30, 1942 are bushings, bearings, nuts, bolts, screws, washers, and wire weighing in the aggregate less than 5% of the total weight of the article or part.

(c) General restrictions on manufacture and plating. (1) No manufacturer may continue the manufacture of any article or parts (including repair parts) if such article or parts are to contain copper products or copper base alloy products where the use of any less scarce material s is practicable. Furthermore, no manufacturer may continue the manufacture of any article or parts (including repair parts) if they are to contain more copper products or copper base alloy products than is necessary for the article's proper operation or a higher type or grade of copper or copper base alloy than is necessary for the article's proper operation.

(2) (i) The use of copper products or copper base alloy products for plating any article on the combined list or for plating any parts (including repair parts) of such an article, is prohibited unless such plating is expressly stated in the list to be permissible.

(ii) The use of copper products or copper base alloy products for plating any article omitted from the combined list or excepted from that list, and the plating of parts (including repair parts) for such an article, is permitted provided that:

(a) Such plating is not for decorative purposes, or part of a decoration, or an undercoating for lead or silver plating (however, a copper strike may be used as an undercoating for silver when silver is used as a substitute for cadmium in electroplating) and

(b) The use of, or the normal wear on, such article or parts would make impracticable any other form of coating.

(d) Restrictions on deliveries to manufacturers. No person shall hereafter deliver copper products or copper base alloy products to any manufacturer, directly or indirectly, if he knows or has reason to believe that such products are to be used in violation of the terms of this order.

(e) General restrictions on deliveries. The disposition of frozen and excessive inventories containing certain copper products or copper base alloy products shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34), as amended from time to time.

(f) Exceptions—(1) Applicability of order to certain Governmental agencies. The provisions of this order shall not apply to the use of copper products or copper base alloy products in the manufacture of any article on the "Military Exemption List" or part therefor, which

is being produced for purchase by, or for the account of, or for use, by, the Army or Navy of the United States, the United States Maritime. Commission, the War Shipping Administration, or the Coast Guard, where the use of copper products or copper base alloy products to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Coast Guard applicable to the contract, subcontract or purchase order.

(2) Installation. The provisions of this order shall not apply to the installation of any article or part (including a repair part) for the ultimate consumer on his premises when any manufacturing of such article or part is incidental to the installation and is done on the consumer's premises. This exception does not, however, in any way affect or modify the provisions of Supplementary Conservation Order M-9-c-4 (restricting the installation of certain types of copper and copper base alloy pipe, tube, fittings, plumbing fixture fittings and trim, and building materials) or of any other order restricting installation.

(3) Repair. The restrictions of this order (other than those contained in paragraph (c)) shall not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than two pounds and when all manufacturing done by him is with knowledge of the particular used article to be repaired. The restrictions of this order (other than those contained in paragraph (c)) shall also not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, even if the manufacturer of the parts or the person making the repair uses copper products or copper base alloy products weighing in the aggregate more than two pounds, when (1) the copper scrap or copper base alloy scrap derived from the article being repaired weighs within one pound of the copper product or copper base alloy product used, (ii) all such scrap is delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M-9-b and (iii) all manufacturing done is with knowledge of the particular used article to be repaired.

(g) Special products; restrictions and exceptions—(1) Printing and publishing industries. After October 3, 1943, the provisions of this order shall not apply to the use of copper products and copper base alloy products in typography, engraving, photo-engraving, gravure plate making, electrotyping, stereotyping, and printing in the printing and publishing industries. In those processes, the use of bronze powder, bronze ink, bronze paste, and bronze leaf is controlled by Supplementary Conservation Order

M-9-c-3. All other uses in those industries of copper products, copper base alloy products, copper scrap, and copper base alloy scrap are governed by Conservation Order M-339. Nothing contained in this paragraph (g) (1) shall affect the prohibition against the manufacture of powder containing copper products or copper base alloy products under paragraph (a) and the Combined List of this order.

(2) Insect screening. The provisions of this order shall not restrict the delivery, installation or cutting of used or second-hand insect screening, of insect screening in rolls which Copper Recovery Corporation has refused to accept, or of insect screening in any roll cut mitially on or before April 9, 1942. However, no person shall deliver, install, or cut any other copper or copper base alloy insect screening (i) unless such screening is to be delivered to, installed for or cut on the order of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (except Defense Plant Corporation) or any person acting as agent of any such corporation (except Defense Plant Corporation) or (ii) unless such delivery, installation, or cutting shall be with the specific authorization of the War Production Board. Applications for specific authorizations shall be made by letter addressed to the War Production Board, Copper Division, Washington 25, D. C. Reference: M-9-c. Nothing contained in this paragraph (g) (2) affects the prohibitions on the manufacture, processing, assembling or finishing of insect screening with copper products or copper base alloy products under paragraph (a) and the Combined List. (See the item "insect screening" under the heading "Miscellaneous" on the combined list).

(3) Copper products not controlled by order. The provisions of this order shall not apply to the manufacture of the following articles and parts (including repair parts) even though they contain copper products, or copper base alloy products, since these articles are specifically governed by the following orders:

Shoe findings and footwear of all kinds governed by Supplementary Conservation Order M-9-c-1.

Fire protective equipment governed by General Limitation Order L-39.

Motorized fire apparatus governed by General Limitation Order L-43.

Bronze paste, bronze ink, and bronze leaf, and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Concervation Order M-9-c-3.

Jewelry governed by Supplementary Conservation Order M-9-c-2.

<sup>&</sup>lt;sup>2</sup>The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials entitled "Materials Substitutions and Supply."

Musical instruments governed by Supplementary Limitation Order L-37-a. Water meters governed by Schedule I of Limitation Order L-154.

(4) Attachment and assembly work. (i) The provisions of this order do not apply to attaching finished slide fasteners, hook and eyes, brassiere hooks, sewon, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets) garter trimmings, hose supporters, insignia, jewelry, loops, mattress cottons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to the manufacture, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

(ii) The provisions of this order do not apply to the assembling of watch or clock movements finished prior to June 15, 1942, into cases not made of copper or copper base alloy. The provisions of this order do, however, apply to the manufacture, processing and finishing of watch and clock cases and of all other parts of watches and clocks and to assembling watches and clocks except as specifically exempted in this para-

(h) Definitions. For the purposes of this order:

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal. produced from scrap.

(3) "Copper products" means products made of copper fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings; or fabricated to any greater extent.

(5) "Manufacturer" means a person who manufactures, processes, assembles, or finishes. "Manufacture" includes processing, assembling, and finishing.

(i) Miscellaneous provisions—(1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended

from time to time.

(2) Appeal. Any appeal from the provisions of paragraphs (a) or (c) of this order shall be made by filing Form WPB-1477 (formerly PD-500 revised) with the War Production Board, Washington 25, D. C., Reference: M-9-c. Relief granted pursuant to an appeal under this order shall remain in effect despite any amendment to this order, unless the grant of relief is specifically revoked or modified by the War Production Board.

(3) Communications. Any reports required to be filed under this order and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board. Copper Division, Washington 25, D. C., Reference: M-9-c.

(4) Applicability of order hibitions and restrictions contained in this order shall apply irrespective of whether the articles or parts whose manufacture is governed hereby are being manufactured pursuant to a contract made prior or subsequent to the effective date of this order. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the manufacture of any articles or parts, the limitation of such other order shall be observed.

(5) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assist-

Issued this 30th day of November 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

## COMBINED LIST

The manufacture, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (c) of this order.

AUTOMOTIVE, TRAILER 1 AND TRACTOR EQUIPMENT AND FARM MACHINERY

See also Order L-106 governing the use of copper and copper base alloy in the manufacture of automotive parts entering into the production of, or as replacement parts for, passenger automobiles, motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles and Order I-170-a governing the use of copper and copper base alloy in the manufacture of certain farm tractors and engine power units for farm ma-

Ambulance hardware (for locks, see under the heading "Miscellaneous" on this list). Automotive maintenance equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-270).

Defrosters (except when the only copper products or copper base alloy products used are for parts necessary for conducting elecHeaters (except when the only copper products or copper base alloy products used are (i) for parts necessary for conducting electricity, or (ii) for water courses and tanks of radiators if made of copper base alloy containing not more than 71% of copper). Hearse hardware (for locks see under the

heading "Miscellaneous" on this list). Horns (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Hub and gas-tank caps.

Lights, lamps, headlamps and accessories (except when the only copper products or cept when the only copper products of copper base alloy products used are for parts necessary for conducting electricity and for plating reflectors as provided by the item "Reflectors \* \* \*" on this list under the heading "Miscellaneous").

Miscellaneous fittings and trim.

Motorcycles (except when the only copper products or copper has allow products used.

products or copper base alloy products used are for parts necessary for conducting electricity)

Motor-driven power cycles as defined in Order L-301 (except when the only copper products or copper base alloy products used are for parts necessary for generating and conducting electricity, or for carburotors, clutch facings or repair parts).

Mouldings.

Rear-view mirrors and hardware.

BUILDING SUPPLIES AND HARDWARE

(Excluding supplies and hardware for ships, boats and aircraft)

Air conditioning equipment and refrigeration equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-126 and the schedules thereto and when tho production of the equipment is permitted under-the terms of Order L-38, either be-cause the order therefor is an "authorized order" under L-38 or otherwise).

Blinds, including fixture fittings and trim-

mings. Builders' uilders' finishing hardware, including hinges (except in those parts of plants where the use of non-sparking metal is necessary to prevent a hazard in the production, use or storage of explosives and except when the only copper products or copper base alloy products used are per-mitted by the terms of paragraph (g) of Schedule I of Order I-236). For locks see under the heading "Miscellaneous" on this

Cement flooring and composition flooring (except that crude arsenical copper procipitate may be used for flooring for hos-pital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).

Conduits.

Decorative hardware-including house numbers.

Door knockers, checks, pulls, and stops. Doors, door and window frames, sills and parts, including door handles and knobs.

Elevators and escalators (except when the only copper products or copper base alloy products used are for bearings, worm gears and parts necessary for conducting electricity).

Expansion bolts and caulking anchors. Gravel stops and snow-guards.

Grilles. utters, leaders, downspouts, joints, and accessories thereto. expansion Gutters,

Hangers and tracks for private garages Incinerator hardware and fittings. Letter boxes and mail chutes.

Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conduction of electricity).

Linoleum stripping.

<sup>1</sup> See also under "Passenger Transportation Equipment" on this List.

Ornamental metal work. Pile butt protection.

Pipe, tube, tubing and fittings for water supply and distribution systems and installations (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions, solder nipples and ferrules and except for all such pipe, tube, tubing and fittings for use in chlorine gas equipment).

Plumbing and heating supplies:

Bands on pipe covering.
Cistern and low-water floats.

When the only copper products or copper base alloy products used are permitted by the terms of Orders I-185

and I-65).

Pipe, tube, tubing and fittings for piping systems.

Plumbing fixture fittings and trim (except when the only copper products or copper base alloy products used are permitted by the terms of Schedules V and XII of Order L-42 or any schedules or orders taking their place, or are permitted by a specific authorization of the War Production Board granted pursuant to such a schedule or order).

Push, kick, switch, floor and all other device

Roof, roofing, roofing nails, flashing valleys, and other roofing items.

Sash balances.

Sheet, roll, and strip for building construction.

Shelves.

Stair and threshold treads.

Termite shields

Terazzo strips, reglets, and mouldings.

Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except when the only copper products or copper base alloy products used are for valves, controls and parts necessary for conducting electricity).

Ventilators and skylights.

Water containers for humidification.

Weatherstripping and insulation.

BURIAL EQUIPMENT

Burial urns.

Burial yaults.

Caskets and casket hardware. See also Order L-64.

Memorial tablets.

Morticians' supplies.

(See also the item "Boxes, \* \* \*" under the heading "Miscellaneous" on this list.)

CLOTHING AND DRESS ACCESSORIES

(See also Order L-68)

Dress ornaments.

Handbag fittings.

Insignia. Metal cloths.

.(See also the item "Slide fasteners
"under the heading "Miscellaneous" on this list.)

# FURNISHINGS AND EQUIPMENT

Andirons, screens, and fireplace fittings. Candlesticks.

Cooking and table utensils.

Counters.

Curtain fasteners, rods and rings.

Fans (See the item "Fans \* \* \*" under the heading "Miscellaneous" on this list). Furniture.

Furniture hardware (for locks, see under the heading "Miscellaneous" on this list).

Gas heater and stove installation connections.

Hollow-ware.

Mud scrapers.

Portable heaters (except repair parts for electric portable heaters when the only copper product or copper base alloy prod-ucts used are permitted by the terms of Order L-65).

Shower curtains.

Stoves and ranges for household cooking use, gas (except when each valve contains not more than ½ oz. of copper base alloy and each control contains not more than 1½ oz. of copper base alloy and the stove or range contains no other copper or copper base alloy whatever; or except when the stove contains no copper or copper base alloy whatever other than 1½ oz. of copper base alloy in each control and the copper base alloy contained in any valves which either were finished prior to August 7, 1942, or which were or will be finished subsequent to that date pursuant to the granting of

an appeal to a valve manufacturer).
Stoves and ranges other than gas stoves and ranges for household cooking use (except when the only copper products or copper base alloy products used are for valves, ferrules for compression fittings, controls other than timers, and parts necessary for conducting electricity).

Timers, for stoves and ranges.

Upholsterers' supplies, including nails and

Vases, pitchers, bowls, and arteraft. Washing tubs and washing boilers.

Waste baskets, hat trees, humidors and similar items.

### INDUSTRIAL MACHINERY

Pulp and paper manufacturing:

Beater bars and beaters.

Head boxes for jordans, paper machines or any other use for regulating stock flow.

Bars and fillings for jordans, refiners or
any similar equipment used in the
preparation of paper stock.

Savealls, filters, washers, deckers or any

similar equipment (except for ecreens). Stock and water lines, including shower

# JEWELRY, GIFTS AND NOVELTIES

All jewelry, gifts and novelties including, but not limited to: Advertising specialties. Atomizers (see also this list under "Miscel-

laneous").

Bar fittings. Book ends.

Cosmetic containers.

Lighters.

Napkin rings. Picture frames.

Smokers' accessories, including ash trays. Souvenirs.

## PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and equipment"

Air conditioning equipment and refrigera-tion equipment (except when the only copper products or copper base alloy prod-ucts used are permitted by the terms of Order L-126 and the schedules thereto and when the production of the equipment is permitted under the terms of Order L-38, either because the order therefor is an "authorized order" under Order I-38 er

otherwise).
Bands on pipe covering.
Decorative, general, and finish hardware, and ornamental metal work (for locks, see under the heading 'Miccellaneous' on this

Door knockers, checks, pulls and stops. Doors and windows, door and window frames and window sills.

Drinking water recervoirs.

Lighting fixtures (except when the only cop-per products or copper base alloy products used are for parts necessary for conducting electricity).

Pipe, tube, tubing, and fitting for plumbing and heating (except for essential repairs). Shower rods, heads and pans. Sinks and drainboards.

Screening.

Towel and luggage racks.

Trolley frog bodies, trolley wire crossover bodies, trolley clamps used for supporting fig. 8 or grooved trolley wire (unless used for carrying current), and miscellaneous items such as machine screws, bolts and study used with overhead trolley line material.

Water containers for humidification.

Weatherstripping and insulation.

# MISCELLANEOUS

Alarm and protective systems, other than fire protective systems covered by Order L-39 (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts). Arch supports.

Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).

Parrel hoops.

Badges.

Bar and counter equipment and fittings.

Barber shop equipment and supplies.

Barrel hooks.

Bathroom accessories.

Beauty parlor equipment and supplies (except for repair and replacement parts of commercial permanent wave equipment and commercial hair driers, when the only cop-per products or copper base alloy products uced are permitted by the terms of Order L-65.

Beverage dispensing units and parts thereof (except for self-contained drinking water coolers as defined in Schedule I of Order L-126 or under any schedule of Order L-38).

Bicycles, and similar vehicles (See also Order L-52).

Binoculars, including opera glasses.

Bird and pet cages and stands. Blow torches, gacoline, kerosene and alcohol (except when the only copper products or copper base alloy products used are for the pump barrel, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block). Bottle coolers.

Poxes, cans, jars and other containers.

Branding, marking, and labeling devices and stock for same (except where the devices and the stock are for affixing governmental, notarial and corporate seals). See also the item "Stencils \* " on this list.

Brushes (except for the types used in electric motors and generators; and except for industrial brushes used for (a) applications requiring non-sparking characteristics, (b) burring of needles, (c) the manufacture of precision gauges, or (d) the manufacture of combat end-products complete for tactical manufacture of the combat end-products complete for tactical manufacture. tical operations (including, but not limited to, aircraft, ammunition, armament and weapons, chips, tanks, and vehicles), when preceribed for field or combat use by the Army or Navy of the United States, or when prescribed for field or combat use by the Army or Navy of any foreign country, and (e) except for drawing, spacing, or binding wire for other industrial brushes where copper or copper base alloy wire is excential to the efficient performance of the brush). The term "drawing, spacing, or blidling wire" does not include "stapling Cabinets. Canes. Carpet rods.

Cash registers.

Change making, coin counting and sorting

Chimes and bells (except for any bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, and except for bells for use on board ship when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).

Clips.

Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers. Clock and watch cases.

Clothes line pulleys and reels and scrubbing boards.

Cooking utensils (except for commercial processing machinery when the only copper products or copper base alloy products used are permitted by the terms of Order L-292 or by a specific authorization of the War Production Board granted pursuant to such order).

Cooling towers (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, heat exchangers, bearings, and worm gears for speed reducers).

Cutlery, including pocket knives.

Daubers for shoe polish.
Dishwashing machines (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-248 or by a specific authorization of the War Production Board granted pursuant to such order) and domestic garbage grinders.

Dispensers, hand, for hand lotions, paper products, soap and straws.

Dog collars and other similar harness and

equipment for pets.

Domestic ice refrigerators as defined in Order

Domestic laundry equipment as defined in Order L-6 (except that copper products or copper base alloy products may be used in the assembly of new domestic laundry equipment when such assembly is specifically authorized by the War Production Board under Order L-6; and except that copper products or copper base alloy products may be used in the production of repair and replacement parts for domestic laundry equipment to the extent permitted by the terms of Order L-6).

Domestic mechanical refrigerators as defined in Order L-5.

Domestic vacuum cleaners as defined in Order L-18.

Electric blankets.

Electric light bulbs and cord sets for Christmas trees, and bulbs and neon and fluorescent tubes for advertising and display

Electrical appliances, as defined in Order L-65 (except when the only copper prod-ucts or copper base alloy products used are permitted by the terms of Order L-65).

Electrolytic devices for the removal and prevention of scale in boilers and condensers. Flashlights and lanterns powered by dry cell batteries (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For other lanterns, see the item "Lanterns \* \* \*" on this list.

Fans, electric, as defined in Order L-176 (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-176 or by a specific authorization of the War Production Board granted pursuant to such order).

Floats for liquid level control. Flower pots, boxes and holders for same. Flower shears.

Food dispensing utensils, devices and ma-. chines.

Fountain pens.

Fountains (except drinking water fountains when the only copper products or copper base alloy products used are permitted by Schedules V and XII of Order I-42).

Furniture grommets.

Games as defined in Order L-81.

Garden tools and equipment.

Hair curlers, hair brushes and combs, shoe horns and button hooks.

Hand saw screws, nuts and washers for attaching saw blades to the handle. Hammers, including mallets.

Health supplies, except the following: Acoustic aids.

Anaesthesia apparatus and supplies, Atomizers (medical use only), Diagnostic equipment and supplies, Hypodermic syringes and needles,

Infant incubators. Instruments.

Laboratory equipment and supplies,
Medicinal chemicals (limited to medical use only),

Operating room supplies and equipment, Ophthalmic products and instruments, Physical therapy equipment (limited to medical use only),

Respirators, resuscitators and iron lungs, Rubber hospital sundries,

Splints and fracture equipment, Sterilizers, blanket and solution warmers, Surgical and orthopaedic appliances (in-cluding artificial limbs and arms but not including arch supports),.

Sutures and suture needles, and X-ray equipment and supplies. Hooks, including hat and coat hooks. Ice cream freezers for use in the home. Insect screening.

Kitchen utensils, devices and machines other than electrical appliances. For electrical appliances see the item "Electrical appliances \* \*" on this list.

Kitchen and miscellaneous household articles.

Lace tips.

Ladders and hoists (except when the only copper products or copper base alloy products used are for parts necessary for con-

ducting electricity), including fittings.

Lamps, electric (except for non-portable lamps for use in hospitals or in industry, otherwise than in offices, and then only when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Lamps, other than electric (except for in-dustrial, hospital or office use and then only when the only copper products or copper base alloy products used are for valves, controls, and wicks).

Lanterns (except those powered by dry cell batteries, covered by the item "Flash-lights \*" on this list).

Lawn sprinklers, mowers, seeders and rollers. Lighting fixtures for use outside of a building (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For lighting fixtures in a building see "Lighting fixtures" under the heading "Building Supplies and Hardware" on this

Livestock and poultry equipment (except when the only copper products or copper base alloy products used are for valves, controls, parts necessary for conducting electricity, and thermostats other than wafer thermostats, and for plating wafer thermostats).

Locks (except pin tumbler and disc tumbler cylinder assemblies; essential interior working parts of mortise locks, rim locks, dead locks and night latches; levers, tubes and centers for secure lever locks; interior work-

ing parts of railway car door locks and railway switch padlocks; keys for pin tumbler and disc tumbler locks; postal locks when manufactured by the Mail and Equipment Section of the United States Post Office; and except when the only copper products or copper base alloy products used are permitted by the terms of paragraph (g) of Schedule I of Order L-236).

Loose-leaf binders.
Luggage fittings, trim and hardware.

Manicure implements.

Match and pattern plates, matrices, and flasks.

Mattress buttons and furniture glides. Medals, including decorations.

Mirrors.

Motion picture and projection equipment (i) except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions and (ii) except for motion picture and projection equipment of the types the production and distribution of which is regulated by Order L-267 or Order L-325).

Name, identification, instruction and data

Non-operating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports. Package handles and holders.

Paint (except for ship bottoms)

Parl-mutuel, gambling and gaming machines, devices and accessories.

Pencils, mechanical.

Phonographs or other record players.

Photographic equipment and accessories ((i) except document copying machines and equipment therefor for business purposes and for use by the U.S. Post Office; (ii) except for X-ray equipment; and (iii) except for photographic equipment and accessories of the types the production and distribution of which is regulated by Order L-267). Pins.

Pleasure boat fastenings, fittings, hardware, and motors.

Pole-line hardware.

Powder, except for non-decorative uses.
Printing rollers (except to the extent that an equivalent poundage in copper or copper base alloy is returned to a brass mill in the form of old rollers or scrapings from old rollers). Putty and scraping knives.

Radio receiving sets and vacuum tubes (except when their manufacture is permitted by the terms of Order L-265).

Razors operated by electricity (except for repair parts).

Reclaimers for heating water.

Reflectors (except that copper or copper base alloy products may be used for electroplating glass reflectors in connection with silvering when the reflectors are to be used in street and highway illumination or in trafflo signals, flood lights, searchlights, locomosignas, nood lights, seatenights, tocono-tive headlamps, hospital operating room lights, and airport lighting equipment as defined by Order L-235, or for electroplat-ing on steel reflectors for searchlights, flood lights, airport lighting equipment as defined by Order I-235, and automotive headlamps of types other than sealed beam headlamps).

Refrigerator display cases.

Saddlery hardware and harness fittings.

Scales, except commercial, industrial and laboratory scales and laboratory balances. (See also Order L-190.)

Screens and points for oil wells and water wells ((i) except for public and industrial water supply systems and installations and (ii) except for agricultural water supply systems when the only copper products or copper base alloy products used is used fourdrinier wire screening.)

Seismograph loading pole couplings.

Shells and caps for electric sockets except screw shells and except those used in connection with lamp signals in communication facilities.

Signs, including street signs. (See also Order

L-29.)

Slide fasteners, hooks and eyes, brasslere hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, garter trimmings, hose supporters, personal hardware, pin fasteners, slides, and trouser trimmings; except as may be permitted by the terms of Order L-114 and eyelets, loops, staples, rivets, burrs and tacks for use on wearing apparel, except as may be permitted by the terms of Order L-114.

Slot, game and vending machines, including parking meters.

Soda fountain equipment (except for repair and replacement parts manufactured in conformity with the inventory restrictions of Order L-38).

Sound equipment attachments for motion picture projection machines (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions).

Sporting goods, and fishing and hunting equipment and supplies, except fishing equipment and supplies for commercial fishing use.

Staples for fastening cartons and containers. Stationery supplies:

Desk accessories. (See also Order L-73.)
Office supplies. (See also Order L-73.)
Pencils. (See also Order L-227.) Pens and penholders.

Stencils, adjustable and otherwise (except for hand cut stencils for marking shipments):

Sundials.

Table flatware (except for a copper-silver strike).

Telescopes.

Tent poles and parts. Thermos jugs and bottles.

Tokens.

Toys.

Tying devices for laundry.

Unions and union fittings (except seats and except for other parts of unions and union fittings where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fitting makes the use of any other material dangerous or impractical). (See also Order L-288.)

Umbrellas.

Valve handles.

Valves over 2-inch size (except seats, discs, stems, yoke sleeves, yoke bushings, stem bearings and packing glands, and except for other parts of such valves (i) where and to the extent that the physical and chemical properties of the liquid or gas passing through the valve makes the use of any other material dangerous or impractical or (ii) where and to the extent permitted by the terms of Order L-252 or by a specific authorization of the War Production Board granted pursuant to that order).

Voting machines.

Weather vanes.

Weight reducing and exercising machines. Wool.

## MILITARY EXEMPTION LIST

Bakery equipment (parts necessary for conducting electricity or where the use of copper products or copper base alloy prod-ucts is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see below on this list.

Binoculars.

Blow torches, gasoline, kerosene and alcohol (parts other than tanks, only).

Boxes, cans, jars and other containers (for radio and communications equipment and for powder charges).

Buttons and insignia for military uniforms when and to the extent that their manufacture is specifically authorized in writing by the War Production Board.

Carbonated beverage dispensing units and soda fountain equipment for use on board ship (functional parts subject to corresive action or which come in contact with food, only).

Conduits and pipe (for radio and electrical communications equipment).

Chronometer and watch cases.

Decorations as defined in Army and Navy Regulations when produced to fill purchaco orders rated AA-3 or higher only.

Electric blankets.

Field ranges and ski stoves.

Fishing equipment and supplies for use on life boats and rafts.

Floats for liquid level control (for use in aircraft and on board ship).

Furniture hardware (for use within magnetic circle on board ship).

Hammers, including mallets.

Hoists, for handling powder, projectiles and explosives (for use on board ship).

Hot water heater colls for hospital, laundry and bakery projects.

Instruction and data plates of wrought ma-terial of a gauge of 1/32nd of an inch or less (for use in aircraft and on board ship).

Instruction and data plates from east ma-terial of a gauge of 3/32nd of an inch or less (for use on board ship but only if and to the extent specified by the specifications, other than performance specifications, of the governmental agency acquiring the plate).

Kitchen utensils' devices, machines and appliances (parts necessary for conducting electricity or which come in contact with food or where the use of copper products or copper base alloy products is extential to the proper functioning of the parts).

Ladders and stairs, for use in gasoline storage spaces on board ship (treads, only).

Lanterns, gasoline (generators, valves and controls, only).

Laundry equipment, for use on board ship (parts necessary for conducting electricity or where the use of copper products or cop-per base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and colls see above on

this list.

Laundry equipment, mobile, for field use (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is exential to the proper functioning of the parts). For hot water heaters, tanks and colls see above on

Lighting equipment and accessories for use in aircraft, on board ship and for use in lighting aids for marine or aerial navigation, and for searchlights.

Locks and latches (for use on board chip) and padlocks (for use where non-sparking metal is necessary to prevent a hazard from explosives).

Mirrors, when they are to be installed on board ship and the only copper product or copper base alloy product used is for coating the backing of the mirror to a thickness not in excess of .0015 inch.

Motion picture and projection equipment. Paint (for ship bottoms and flying boat hull bottoms).

Phonographs and other record players being produced on a rating of AA-3 or higher. Photographic equipment and accessories.

Pins for hinges (for use on board ship). Prescription scales (health supplies).

Safety lamps, flame type (for use on board ship and for use in other places where there is danger of explosion).

Screens and points for water wells.

Shells and caps for electric cockets (for use in aircraft and on board ship).

Blide fasteners and tack buttons for use on jungle clothing and equipment, flying suits and Navy flying boots; (ii) sew-on, machine attached or riveted snap fasteners, buckles, eyelets, staples, rivets and burrs for use on jungle clothing and equipment, and for use on leather, canvas, webbing, duck, coated fabrics and special fabrics for field clothing and equipment being produced on a rating of AA-3 or higher; and (III) oprings for snap fasteners for any use. Sound equipment attachments for motion picture projection machines.

eleccopes.

Unions and union fittings (for use on board ship).

Valve handles (for use within magnetic circle on board ship).

Valves (for use on board ship).

Valves of vacuum type, up to 3 inches.

[P.R. Doc. 43-19152; Filed, November 39, 1943; 10:38 a. m.]

Part 944—Regulations Applicable to the OPERATION OF THE PRIORITIES SYSTEM

[PR 18, Int. 1 to Dir. 1].

### - PURCHASE ORDERS

The following interpretation is issued with respect to Priorities Regulation 18, Direction 1.

(a) Paragraph (b) of Direction 1 to Priorities Regulation 18 requires that certain purchase orders be placed by specified dates. Purchase orders do not include intra-com-pany deliveries where only one producer (as defined in Priorities Regulation 18) is involved.

(b) Under paragraph (c), a producer must not accept an order if, on the basis of his orders on hand bearing equal or higher priority ratings, he does not expect to fill it by the requested delivery date. If he has purchase orders on hand which are subject to a frozen schedule under Priorities Regulation 18, he must, for this purpose, consider them as bearing a higher priority rating. If, under the provisions of Priorities Regulation No. 1 (§ 944.8), the required delivery date is later than the date appearing in the purchase order, a producer may accept an order if he expects to fill it by the required delivery date.

(c) Paragraph (e) provides that if a pur-chaser has received authorization to place a purchase order under any order of the War Production Board which requires specific authorization of purchase orders, he need not make application under paragraph (e). This provision applies whether the specific authorization was obtained before or after the isbuance of the direction. He must accompany his purchase order with the specific authorization when the War Production Board order under which it was obtained requires him to do so. If it does not, he may accompany it with a statement, as provided

in paragraph (e) of the direction.
(d) Paragraph (f) permits a producer to accept late purchase orders which are within the exceptions stated in paragraph (f) even though the order is not authorized by the War Production Board. If a purchaser places a purchase order representing that it is within the exceptions of paragraph (f), the producer may accept the order unless he knows or has reason to know that it does

not meet the conditions of that paragraph.

(c) Paragraph (f) (2) excepts from the operation of the direction orders placed with or by persons who take physical delivery of the product for recale. This means persons who take physical delivery of the product for recale as such and not for resale as a com-

ponent or part of other equipment.
(1) Paragraph (1) (4) exempts certain purchase orders placed on a particular manufac-

turer which do not aggregate more than \$10,000 for delivery in any one quarter. In determining the aggregate purchase price, persons should not include purchase orders specifically authorized under paragraph (e), purchase orders placed before the deadline, or purchase orders specifically exempted by paragraphs (f) (1), (f) (2) and (f) (3). This paragraph does require that persons include in the \$10,000 exemption all purchase orders for the products within the same item on the list in paragraph (h). For example, all purchase orders placed on a particular producer, for delivery in a single quarter, of fluid power systems must be included, no matter how many different models or types of fluid power systems may be involved.

Issued this 30th day of November 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-19153; Filed, November 30, 1943; 10:40 a. m.]

PART 1042—IMPORTS OF STRATEGIC
MATERIALS

[Supplemental General Imports Order M-63-g]

Pursuant to General Imports Order M-63, as amended, which this order supplements, it is hereby ordered that:

- § 1042.8 Supplemental General Imports Order M-63-g. All the provisions of § 1042.1 General Imports Order M-63, as amended from time to time, are hereby extended to cover Puerto Rico and the Virgin Islands of the United States, the same as if such territories were part of the continental United States, Provided.
- (a) Such provisions shall apply only to transactions in materials listed from time to time on Schedule X hereto attached, effective as of the dates shown in such schedule, and for this purpose, materials on Schedule X shall be considered the same as materials on List III of General Imports Order M-63;
- (b) Such provisions shall apply to the importation of materials on Schedule X from the continental United States into Puerto Rico and the Virgin Islands of the United States;
- (c) Notwithstanding issuance of this supplemental order, the provisions of General Imports Order M-63, as amended from time to time, shall continue to apply to the importation of materials covered by such order from Puerto Rico and the Virgin Islands of the United States into the continental United States and
- (d) The issuance of this supplemental order shall not affect any regulations now or hereafter issued by any governmental authority covering exports of materials from the continental United States to Puerto Rico and the Virgin Islands of the United States.

This order shall become effective on December 6, 1943.

Issued this 30th day of November 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

#### SCHEDULE X

The numbers listed after the following materials and in the column titled "Commerce Import Class No." are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce issue of January 1, 1943. Materials are included in the list to the extent that they are covered by the commodity numbers listed in that column.

Material	Commerce import class number	Effectiv	vo dato
Animals oils and fats, edible	0036.000-0035,900 lnc 1031.000 1090.180 0047.000-0079.500 lnc 0018.000-0036.600 lnc 1119.600 1112.000 3712.300-8719.900 lnc	Dec.	0, 1043 0, 1043 0, 1043 0, 1043 0, 1043 0, 1043 0, 1043 0, 1043

[F. R. Doc. 43-19354; Filed, November 30, 1943; 10:39 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIP-

[Conservation Order M-28 as Amended November 30, 1943]

### DICHLORODIFLUOROMETHANE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of dichlorodifluoromethane for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

- § 1226.27 Conservation Order M-28—(a) Definitions. For the purpose of this order:
- (1) "F-12 gas" means dichlorodifluoromethane (sometimes called "freon-12")
- (2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.
- (3) "Producer" means any person engaged in the production of F-12 gas.
- (4) "Supplier" means any person to the extent that he is engaged in the business of distributing F-12 gas to persons using the same for installation in refrigerating or air conditioning systems. The term shall include an equipment manufacturer to the extent that he engages in the sale of F-12 gas which has not been installed in such systems. "System" means any "system" as defined in General Limitation Order L-38.
- (5) "Equipment manufacturer" means any person to the extent that he uses F-12 gas for charging new refrigerating or air conditioning systems or parts of systems manufactured by him. It does not include affiliates, subsidiaries, branches, divisions or sections or an enterprise, if not actually engaged in the manufacture of systems or refrigerant containing parts of systems.
- (6) "Insecticide manufacturer" means any person to the extent that he uses F-12 gas in the production of insecticide.
- (7) "User" means any person who installs F-12 gas in a refrigerating or airconditioning system, other than an equipment manufacturer. It includes suppliers, service agencies, owners or lessees, to the extent that they engage in installing F-12 gas in any system.

- (8) "Contract agent" means any person to whom or for whose account F-12 gas is delivered by a producer for distribution to suppliers.
- (If the same person, or two or more branches, divisions or sections of the same enterprise, acts in two or more capacities as contract agent, supplier, equipment manufacturer, or insecticide manufacturer, the particular provisions of this order which apply to the respective activities must be followed, to the extent to which the various provisions are applicable to each activity.)
- (b) Systems for which no deliveries are permitted. (1) No person (including users, dealers, and other suppliers, and producers) shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system which is of a type referred to in List A.
- (2) During the period from November 12, 1943, through March 31, 1944, no person (including users, dealers, and other suppliers, and producers), shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system of any type (not in List A) unless the system must be operated under one or more of the following conditions:
- (i) Where an air-cooled condenser is used and the ambient temperature is 110° F or higher; or
- (ii) Where the saturated refrigerant temperature corresponding to the suction pressure is less than minus 10° F· or
- (iii) Where aluminum or magnesium alloys or rubber (except synthetic rubber) have been used in construction of the system and come in contact with the refrigerant, and are not easily replaceable; or
- (iv) Where the system is for use aboard ship, or outside of the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration; or
- (v) Where the total operating charge required to operate the system is ten (10) pounds or less of F-12 gas and the system was in operation on November 12, 1943, and is used for food preservation or for storage of penicillin, blood serum, blood for plasma, blood plasma, biologicals and bacteriologicals; or

(vi) Where the use of no Group 2 or Group 3 refrigerants, as defined in the American Standard Safety Code for Mechanical Refrigeration, ASRE Circular No. 15, ASA-B 9-1939, as approved by the American Standards Association April 20, 1939, is permitted by that Code; or

(vii) Where the system is used in a sealed railroad car or sealed bus.

(The above restrictions apply not only to systems used for ordinary civilian purposes, but also to those owned, operated, or used within the continental United States by the Army, Navy, Maritime Commission.or War Shipping Administration, including post exchanges. and ships service stores, other than those used aboard ships.)

(3) Attention is called to paragraph (c) (2) which prohibits a supplier from delivering F-12 gas except on certified orders.

(c) Deliveries by suppliers. (1) No supplier or any other person (except a producer) shall deliver any F-12 gas for export outside of the continental United States, of for use by any of the following non-retail users (or to any ship yard or other person for use in a system to be delivered to any of them) namely. The Army, Navy, Maritime Commission, War Shipping Administration, post exchanges, ships service departments and activities, equipment and insecticide manufacturers, for new or used systems, or for use in insecticide, without specific authorization from the War Production Board. Subject to the foregoing restriction, any supplier or any other person (except a producer) may deliver F-12 gas to any other person, for use in any new or used system not referred to on List A of this order, if it must be operated under one or more of the conditions stated in (b) (2) (i) to (b) (2) (vii) both inclusive.

No person shall accept from a supplier or other person any delivery of F-12 gas which is prohibited by the restrictions in this order.

(2) Whenever the owner of a system or any other user wishes to obtain F-12 gas for installation in a system or systems for which deliveries by suppliers are permitted under this order, he may place his order with any supplier for the minimum quantity, which the available cylinder or cylinders permit, necessary to bring the charge in the system or systems up to a normal operating charge. He must certify his order, or the vendor's delivery receipt, by a certificate endorsed on or attached to it, showing that the F-12 gas is to be used for such purposes only, and that he is not holding any empty cylinders not owned by him, which shall be in substantially the following form:

The undersigned purchaser certifies to the seller and the War Production Board that he does not have any F-12 gas cylinders not owned by him, which have been empty for more than 15 days; and that the F-12 gas covered by this order will not be used or resold for any purposes not permitted by Order M-28.

Such certificate, which must be signed by the purchaser or his authorized official, will constitute a representation that what is stated in it is true. A supplier must not deliver any F-12 gas except under certified orders; and he must not make delivery under any order which is certified if he knows, or has any reason to believe that the certificate furnished with such order is untrue, incomplete, or inaccurate. In such a case the supplier must reject the order, and should explain why he is doing so, so that the prospective purchaser can comply with this or-Each supplier must keep all accepted orders and certificates which he receives, for a period of two years, for inspection by the War Production Board. (Certificates in the form required by this order before its amendment on November 12, 1943, may continue to be used for 30 days after that date, in place of the above form.)

This restriction shall not prevent a person who services several systems for which deliveries are permitted by this order from purchasing a cylinder of F-12 gas from a supplier, if the amount purchased is the smallest quantity practicable considering the sizes of the standard commercial cylinders and the amount needed in his current operations.

(3) No "standby charge" or any other quantity of F-12 gas, over and above that needed to bring the total charge in a system or systems up to the normal operating charge, shall be delivered to or accepted by any person for use in a system which he owns, leases, or operates (except the Army, Navy, Maritime Commission or War Shipping Administration) except, however, that a "standby charge" may be maintained for a system which is operated primarily for one of the following purposes: air conditioning or refrigeration for the production and storage of penicillin, or blood serum; or refrigeration for the storage of blood for plasma, or the production or storage of blood plasma.

(d) Deliveries by producers. Each producer shall hold his entire inventory of F-12 gas, together with all additional quantities produced or otherwise obtained by him from time to time, for delivery under such orders and for such uses as may be authorized or directed from time to time by the War Production Board. No deliveries of F-12 gas shall be made by a producer except pursuant to specific authorizations or directions heretofore or hereafter issued by the War Production Board.

'(e) The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering F-12 gas, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

(f) Miscellaneous provisions—(1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) Reports.\* (i) Each equipment manufacturer who wishes to secure delivery of F-12 gas during any month for charging systems or parts produced by him, or for factory repair and charging of sealed or hermetic condensing units, shall file with the War Production Board. on or before the 15th day of the preceding month a report on Form WPB-3326, prepared in accordance with the instructions for such form.

(ii) Any person wishing to secure F-12 gas during any month for ultimate uses (such as testing coaxial cable for leaks) other than the charging of new or used refrigeration or air conditioning systems or parts or use in insecticide, shall file with the War Production Board, on or before the 20th day of the preceding month, a report by letter, in triplicate, showing the minimum amount required for the month, the purpose for which required, and the amount used during the preceding calendar month for that pur-

(3) Violations. Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(4) Appeals. Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) Communications. All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M-28.

Issued this 30th day of November 1943. WAR PRODUCTION BOARD, By J. Joseph Whelan. Recording Secretary.

LIST A-Systems For Which No Deliveries ARE PERLUTTED

Air conditioning systems. Any system, of any size operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other en-closure used as, or located in any of the following:

Amucement parks. Animal hospitals. Auditoriums.

Ballrooms, dancing studies and dance halls, Bank and lean accordations.

Bars, cocktail lounges, and beer parlors.

Bowling alleys. Concert halls.

Funeral parlors.

Golf clubs, country clubs, athletic clubs, and all other clubs and club houses.

<sup>&</sup>lt;sup>2</sup>The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Hotels and apartment houses. Moving picture houses. Night clubs.

Office buildings and offices, public or private. Railway, streetcar and bus stations and terminals.

Residential buildings and dwellings of all

Restaurants, cafeterias, and other places selling meats, food or beverages.

Schools.

Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.

Skating rinks.

Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments). Studios of all kinds.

Theaters.

This list does not include (i) any such system used primarily to air condition a build-ing, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part, for the refrigeration and storage or processing of food, ice, or other materials or products, necessary to life or health, or to be delivered to the Army, Navy, Maritime Commission or War Shipping Administration, and requiring refrigeration, temperature control, or freedom from dust or other impurities.

Refrigeration systems.

Skating rink systems.

Refrigeration systems solely for storing or dispensing carbonated or malt beverages.

# Interpretation 1

[Interpretation 1 revoked November 12, 1943]

[F. R. Doc. 43-19155; Filed, November 30, 1943; 10:38 a. m.]

# PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Conservation Order M-28, Interpretation 2]

The following interpretation is issued with respect to Conservation Order M-28:

(a) Quantities which may be obtained by system owner. Subparagraphs (c) (2) permits the owner (or lessee) of a refrigerating or air conditioning system (not on List A) who does his own installation of F-12 gas, to place his order for the minimum quantity "which the available cylinder or cylinders permit" necessary to bring the charge in his system up to a normal operating charge.

The standard commercial cylinders are generally available in sizes which contain four pounds, ten pounds, twenty-five pounds, and one hundred forty-five pounds of the gas, and a particular supplier may not have all four sizes in stock at all times. Questions will therefore arise as to the number and sizes of cylinders which the owner of a system is permitted to obtain, if the particular supplier with whom his purchase order is first placed should not happen to have the sizes of cylinder from which the minimum quantity needed by the system can be furnished the owner.

In such a case, the owner of the system should make a reasonable effort to obtain the minimum quantity which he needs, from some other supplier in his locality, rather than purchase an excessive quantity from the first supplier upon whom he calls. While the order does not prescribe rigid rules as to exactly what effort the purchaser should

make in every case, it is required that he do whatever is practicable, under his particular conditions, to obtain the minimum quan-

tity which he needs, and no more. Where he is located in a large community in which there are a number of suppliers, he should contact several, if necessary in order to obtain the quantity needed. If he happens to be located in a small community where there is only one supplier who cannot furnish the exact quantity needed and the F-12 gas must be obtained immediately in order to avoid spoilage of a substantial quantity of food, the restriction would not prevent him from obtaining a larger amount, if that is unavoidable without letting his food spoil. As a guide to the number and size of cylin-

ders which should normally be obtained, for the different quantities of F-12 gas which may be needed in different cases, the following table is furnished:

	Amou	Amounts which should be ordered					
Pounds of F-12 gas required		Number of cylinders					
required	4 pounds	10 pounds	25 pounds	145 pounds			
0-4	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 2 or 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	11112233344	1 1 1 1 1 2 2 2 2 2 3			

above interpretation applies only where the system owner buys his F-12 gas from a supplier, and installs it himself., If he has a service shop install the gas, the shop will always be able to furnish no more than

the amount actually needed, from its service

cylinders, and there will be no problem.

(b) Installation of F-12 gas in systems or parts held by equipment manufacturers or dealers. Paragraph (b) (1) prohibits deliveries of F-12 gas for systems on List A; (b) (2) prohibits deliveries for any other systems. system, unless it must be operated under one or more of the conditions specified. These restrictions are intended to prevent delivrestrictions are intended to prevent deliver-eries of F-12 gas where there is a sale or other delivery of the gas. They prevent an equipment manufacturer or other person from delivering F-12 gas in any new or used system or refrigerant-containing parts if charged with F-12 gas furnished by him after the effective date of the applicable restriction, for any prohibited use.

These restrictions do not prevent the with-

drawal and reinstallation of F-12 gas in the course of repairing a used system or refrigerant-containing part, where no additional F-12 gas is added to what was already in the

system or part.
Neither do they restrict the delivery of new or used systems or refrigerant-containing parts which had already been charged at the time the applicable restriction became effective; nor do they prevent the owner or lessee of an installed system who had F-12 gas in his possession on the effective date of the applicable restriction, from charging the system with such gas, or having someone else do this charging for him, where no transfer of possession or ownership is involved:

Issued this 30th day of November 1943. WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 43-19156; Filed, November 30, 1949; 10:39 a. m.]

PART 3208—SCHEDULED PRODUCTS [General Scheduling Order M-293, Table 11, as Amended Nov. 30, 1943]

# SHIPBUILDING DIVISION

§ 3208.12 Table for shipbuilding division. The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

Throng of \$5,000 muselings	Desig-	Applies	able forms	column 1
Type of M-293 product	nation	1	2	3
1. Valves, piping systems, including all valves such as industrial, marine, hydrant, sluice gate, drilling, flow line, cocks, etc., except refrigeration, aircraft, automotive, instrument, regulating and control valves, air brake equipment, plumbing fixture fittings and trim.  a. Steel valves: Safety and relief. Turbine (including astern, crossover, maneuvering, manifold and throttle). All other steel valves. b. Iron valves: Safety and relief. All other iron body valves. c. Bronzo valves: Safety and relief. Compressed gas and cylinder. All other bronze valves 100 lbs. W. S. P. and over. 2. Pipe fittings, except compression, flared, Parker type, bell and spigot. a. All steel fittings. 3. Turbines, man marine propulsion. 4. Diesel engines (marine only). Man propulsion Auxiliary drive. Emergency generator drive. 5. Gears (marine only). Man reduction gears (turbine propulsion). Man reduction and reverse gear units (Diesel and gasoline propulsion engine). Speed reduction units (engine room auxiliary equipment). 6. Marine Boller Units, steel (Shipboard Use). Main Propulsion Boller Units. Auxiliary Boiler Units.	XZ	2000, 15 2000, 15		

A manufacturer of a Class X product must file his shipping schedule on Form WPB-3003, 3401 or on the form shown in Column 2.

A person placing an order for a Class Z product under paragraph (e) of M-293 must use Form WPB-3003, 3400, or 3401, as specified in the instructions he received, to accompany his purchase order.

Issued this 30th day of November 1943. WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

F. R. Doc. 43-19157; Filed, November 30, 1943; 10:39 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS [Conservation Order M-359]

## PORT ORFORD CEDAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Port Orford cedar for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3285.96 Conservation Order M-359—(a) Definitions. For the purposes of this order:

"Port Orford cedar" refers to the botanical species Chamaecyparis Lawsoniana (growing in Oregon and California) from which logs and derived products such as cants; flitches, planks, lumber, veneer, separator blanks, and finished battery separators are produced.

(b) Allocations. The War Production Board may allocate specific quantities of Port Orford cedar logs, or parts cut from such logs, to specific persons. It may also direct the specific manner and quantities in which delivery shall be made to particular persons, and direct or prohibit particular uses of Port Orford cedar logs, or any part obtained therefrom, or the production by any person of particular lumber or veneer items from Port Orford cedar logs. The War Production Board may also direct that part or all of any person's production of lumber or veneer items shall be set aside for particular claimant agencies or particular end uses. Allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made without regard to any preference rating assigned to particular contracts or purchase orders. The War Production Board may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential civilian requirements.

(c) Prior directions. Directions -15sued by the War Production Board to producers of Port Orford cedar before November 30, 1943, shall remain in effect until revoked or superseded.

(d) Reports. All persons affected by this order shall file such reports as the War Production Board may require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) Communications. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Western Log and Lumber Administrator, War Production Board, Portland, Oregon, Ref: M-359.

(f) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 30th day of November 1943.

WAR PRODUCTION BOARD. By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 43-19160; Filed, November 30, 1943; 10:40 a. m.]

# PART 3293—CHELIICALS

[Conservation Order M-333, As Amended Nov. 30, 1943]

#### TAPIOCA FLOUR

§ 3293.471 Conservation Order M-333—(a) Definitions. (1) "Taploca flour" means the starch or farinaceous substance derived from the cassava root (sometimes called yucca or manioc) whether rated in the grade as high, medium or low. The term does not include pearl, flake or granulated tapioca.

(2) "Derivatives" means tapioca dextrine and any modification of tapicca flour, obtained either through mixture with other chemicals or other starches and flours, or through medification of the starch itself by hydrolization or chemical reaction. The term "deriva-tives" does not include pearl, flake or

granulated tapioca.
(3) "Distributor" means any person who purchases tapioca flour or derivatives for resale.

(4) "Processor" means a manufacturer of derivatives.

(b) Prohibited deliveries and use. (1) No person shall use taploca flour or derivatives, and no person shall accept delivery of tapioca flour or derivatives for use:

(i) In the paper industry as a beater

(ii) In the paper industry as a sur-

face or tub size;
(iii) In the textile industry as a warp size, except for:

Synthetic fibre Combed cotton yarns 40 and finer Cordage fibers;

(iv) In the textile industry as a finishing or loading medium, except where required to meet specifications of the United States Army or Navy;

(v) As a foodstuff, or as an ingredient in manufacture of prepared food (including the manufacture of pearl, flake or granulated tapioca)

(vi) As an adhesive for posting billboards.

(2) The provisions of paragraph (b) (1) hereof shall not prevent:

(i) Acceptance of delivery or use by any person in any calendar month of not

more than 600 pounds of tapicca flour and derivatives in the aggregate.

(ii) The use by any person other than a distributor or processor of material which that person had in inventory on June 19, 1943.

(c) Limitation on use in plywood .manufacture. No plywood manufacturer may use in any calendar half year, beginning with the half year commencing July 1, 1943, more tapioca flour and its derivatives than he used during the first six months of the year 1943.

(d) Restrictions on inventories. No person shall accept delivery of tapioca flour and its derivatives if he then owns or has in his possession a supply of tapioca flour and its derivatives, exceeding one-eighth of the quantity of tapicca flour and its derivatives which he used. or in the case of a distributor resold, during the two year period January 1, 1941 to December 31, 1942.

(e) Exceptions in favor of Government agencies. The restrictions of paragraphs (b) and (d) shall not be applicable to acceptance of delivery or use by the United States Army or Navy.

(f) Reports. Within ten days of the close of each calendar quarter, each distributor and processor shall file Form WPB-3215 with War Production Board.

(g) Miscellaneous provisions—(1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) Forms. Form WPB-3215 provided for in paragraph (f), has been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(3) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(4) Violations. Any person who wilfully violates any provision of this order. or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-333.

Issued this 30th day of November 1943.

" WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary. ,

[F. R. Doc. 43-19159; Filed, November 30, 1943; 10:39 a. m.]

Chapter XI-Office of Price Administration

PART 1305—ADMINISTRATION [Supp. Order 45, Amdt. 6]

EXEMPTION FROM PRICE CONTROL OF CERTAIN
COMMODITIES AND SERVICES

A statement of the considerations involved in the issuance of this amend-sment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Supplementary Order No. 45 is amended in the following respect:

Section 1305.59 (a) (4) is hereby revoked

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765 Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-19118; Filed, November 29, 1943; 12:02 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS [MPR 348,2 Amdt, 19]

# LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 348 is amended by the addition of Appendix C, Table 3, Appendix G, Table 6, and Appendix K, Table 2.

# APPENDIX C

## TABLE 3

-Area, Part of the States of Texas and Louisiana as shown:

Texas. Counties of Gregg, Nacogdoches, Angelina, Tyler, Hardin, Rusk, Jefferson, Harrison, Panola, Shelby, San Augustine, Jasper, Orange, Sabine, Newton, Smith, Cherokee, Henderson, Anderson, Houston, Trinity, Polk, Freestone, Limestone, Robertson, Leon, Madison, Brazos, Grimes, Harris, Chambers, Walker, Montgomery, San Jacinto, and Liberty.

Louisiana. Parishes of Caddo, De Soto, Sabine, Vernon, Beauregard, Calcasieu, Natchitoches and Red River.

toches and Red River.

Species. Pine logs of the genus Pinus.

Scaling and grading rules. A cord of

Scaling and grading rules. A cord of 128 cubic feet will be the basic method of scaling. Logs shall be cut 7 feet in length; minimum diameter 7" Maximum diameter 14"

Maximum price. \$7.25 per cord of 128 cubic feet.

The price shall prevail as F. O. B. railroad cars or delivered to the mill by truck,

# Appendix G

## TABLE . 6 -

Area. Part of the States of Arkansaş and Louisiana as shown:

Arkansas. Counties of Ashley, Chicot, Union, Columbia, Lafayetté, Miller, Little

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>8 F.R. 5529, 6672, 10980.

River, Sevier, Hempstead, Nevada, Ouachita, Calhoun, Bradley, Drew, Desha, Lincoln, Cleveland, Dallas, Clark, Pike, Howard, Saline, Polk, Montgomery, Garland, Hot Springs, Grant, Yell, Pulaski, Perry.

Louisiana. The parishes of Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West-Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Jackson, Bienville, Red River, Natchitoches, Winn, Grant, La Salle, Caldwell, Franklin, Tensas, Catahoula, Concordia.

Species. Chemical cordwood of oak, hickory, pecan, ironwood, hornbeam, locust, holly, mulberry, rock elm, howthorn, beach

mulberry, rock elm, hawthorn, beech. Scaling and grading rules. Cordwood shall be measured in terms of a unit of 138 cubic feet, based on wood stacked 4' x 8' x 52" All sticks shall be cut into 52" lengths with a minimum diameter of 3½ inches. The wood shall be split so that no piece has a thickness at any point greater than 6 inches or smaller than 3½ inches.

thickness at any point greater than 6 inches or smaller than 3½ inches.

Maximum prices. \$7.55 per unit of 138 cu. ft. f. o. b. railroad cars at rail siding or for chemical cordwood delivered to the plant by truck.

If wood is banked at a rail siding at the buyer's request and is later loaded at seller's expense on the railway car, an amount not in excess of 86 cents per unit of 138 cubic feet may be added to the maximum price in the case of wood shipped by rail.

### APPENDIX K

#### TABLE 2

Area. The States of Mississippi and Alabama and all parishes in the State of Louisiana east of the Mississippi Ríver.

Species. Pine insulation logs or bolts. Hardwood insulation logs or bolts.

Scaling and grading rules:

Logs and bolts will be scaled on the basis of a standard cord containing 128 cubic feet. Unpeeled wood must be closely trimmed and above 4 inches in diameter at the small end. Large sized logs or bolts may be split

at the option of the buyer.

Peeled wood must be closely trimmed and above 3 inches in diameter. All logs or bolts must be reasonably straight and reasonably

free from knots. Wood must be sawed, not chopped.

Maximum prices:

Unpeeled pine, \$6.80 per cord of 128 cubic feet—F. o. b. cars.

Unpeeled pine, \$7.80 per cord of 128 cubic feet—F. o. b. barge.

Peeled pine, \$8.55 per cord of 128 cubic feet—F. o. b. cars or f. o. b. barge.

Unpeeled hardwood, \$7.30 per cord of 128 cubic feet—F. o. b. cars or f. o. b. barge.

Peeled hardwood, \$10.00 per cord of 128 cubic feet—F. o. b. cars or f. o. b. barge.

1. The price for insulation logs or bolts delivered to the mill by truck shall be the same as the f. o. b. cars price, except as noted below, namely

(a) For all wood produced in Lauderdale County, in the State of Mississippi delivered to a buying plant by truck, the buyer may add not to exceed the sum of 60 cents per cord of 128 cubic feet to the f. o. b. cars price.

(b) If any consuming plant purchasing insulation logs or bolts is located in the same town as a plant consuming pulpwood delivered by truck, the maximum price for truck-delivered wood for the plant purchasing insulation logs or bolts shall be the same as the truck-delivered price for the plant purchasing pulpwood.

2. If wood is banked at a rail siding or barge landing at the buyer's request and is

later loaded at seller's expense on the railway car or barge, an amount not to exceed 80 cents per cord may be added to the maximum price in the case of wood shipped by rail, \$1.00 in case of wood shipped by bargo.

3. In the event that a consumer of insulation logs or bolts shall purchase insulation logs or bolts through a dealer, the consumer may pay such dealer not more than the maximum price herein, plus a dealer's allowance not in excess of 50 cents per cord except that no commission can be paid for barged wood.

4. A "dealer" means any person who sells to a consumer insulation logs or bolts not cut or prepared by such person but purchased by such person in the condition in which it is to be delivered to the consumer with the exception that if the dealer buys unpeeled wood and either peels or provides for peeling of the wood, he can still be classed as a dealer.

5. When wood is stored in a dealer's concentration yard for at least 60 days for drying purposes, an additional charge of not to exceed 25 cents per cord of 128 cubic feet may be added

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943.

CHESTER BOWLES,

Administrator

[F. R. Doc. 43-19119; Filed, November 29, 1943; 12:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COM-PONENT

[MPR 477,1 Amdt. 1]

SALES OF RUBBER HEELS AND SOLES IN THE SHOE FACTORY, TRADE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 477 is amended in the following respects:

1. In Appendix A, a sentence is added to footnote 1 to read as follows:

For sizes or thicknesses which differ from the sizes and thicknesses given in this table for any type of heel or sole, the manufacturer shall add to or subtract from the maximum price for the size or thickness given in the table which is nearest (or if two, the lower) to the item being priced, the customary dollar-and-cent differential which the manufacturer had in effect during the base period October 1, 1941, through March 31, 1942, for the two items.

2. In Appendix A, footnote 5 is added to the heading "Composition Soling Slabs" to read as follows:

<sup>5</sup> Maximum prices for sizes of soling slabs not given in this table shall be determined by multiplying their area in square feet by the square foot price derived from the 24" x 24" slab of the same iron.

3. In Appendix A, the phrase "Standard Carbon-black Type" is added to the following subtitles:

Boys' Whole Heels, Sport Heels, Women's Cuban Heels, Junior Heels, Junior Wedges,

<sup>&</sup>lt;sup>2</sup>8 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214, 12797,

<sup>&</sup>lt;sup>1</sup>The price for peeled pine shall prevail only for wood produced in the State of Mississippi and in that portion of Louisiana east of the Mississippi River.

<sup>&</sup>lt;sup>1</sup>8 F.R. 14004.

Heel Bases, Toplift Strips, and Composition

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-19120; Filed, November 29, 1943; 12:03 p. m.]

> PART 1340-FUEL [RPS 88,1 Amdt. 141]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.159 (b) (17) is added to read as follows:

(17) Within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and in the District of Columbia, any seller's maximum per gallon tank-wagon price for Nos. 2. 3 and 4 distillate fuel oils at a particular point shall be his maximum per gallon tank-wagon price established under other provisions of paragraph (b) of this section for single lot deliveries of 150 gallons or more of the product of the same grade at the same point except that any seller shall be permitted to charge an additional amount of not more than 1/2¢ per gallon on deliveries of less than 100

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-19121; Filed, November 29, 1943; 12:02 p. m.]

> PART 1381—SOFTWOOD LUMBER [MPR 94,2 Amdt. 9]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1381.524 is amended to read as follows:

§ 1381.524 Appendix L. Addition on restricted grades. For lumber of the grades mentioned below the maximum prices f. o. b. mill provided in this regulation may be increased by \$3.00 per M'BM. The addition may be made on all lumber of these grades covered by this regulation, without further restriction as to species or producing area.

#### GRADES

Pencil blank stock	Cem- mon	Shop	Bex	Di- men- elen
No. 1 No. 2 No. 3	No. 1 No. 2 No. 3 No. 4 No. 5	4/4 Shop Common 5/4 and Thicker No. 2 5/4 and Thicker No. 3	No. 1 No. 2	No. 1 No. 2

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES. Administrator.

[F. R. Doc. 43-19122; Filed, November 29, 1943; 12:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,1 Amdt. 88]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 10.18 is added to read as fol-

Sec. 10.18 Title to foods may be transferred point-free where the one who has title does not have possession. (a) A person who has title to processed foods but who does not have possession of them and who may not get possession of them without giving up points, may transfer his title to such foods point-free. (However, a person who acquires title to processed foods in a way permitted by this section must give up points to obtain possession of such foods.)

This amendment shall become effective December 3, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 29th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-19123; Filed, November 29, 1943; 12:01 p. m.]

PART 1413-SOFTWOOD LUMBER PRODUCTS [RMPR 293,1 Amdt. 3]

STOCK MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

In section 29, the last sentence is amended to read: "If the manufacturer uses a net list price, the three percent increase in price shall be rounded off to the nearest one cent."

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Dac. 43-19124; Filed, November 29, 1943; 12:02 p. m.]

> PART 1429-POULTRY AND EGGS [MPR 333, Corr. to Amdt. 132]

> > EGGS AND EGG PRODUCTS

The approval provision of Amendment 13 to Maximum Price Regulation 333 by the War Food Administrator, is corrected to read as follows:

Approved:

MARVIN JONES, War Food Administrator.

This correction shall be effective as of August 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES. Administrator.

[P. R. Doc. 43-19125; Filed, November 29, 1943; 12:04 p. m.]

PART 1448-EATING AND DRINKING ESTAB-LISHMENTS, GRAND RAPIDS DISTRICT OF-FICE, REGION III

[Restaurant MPR 3-12]

FOOD AND DRINK SOLD FOR IMPLEDIATE CON-SULIPTION IN GRAND RAPIDS DISTRICT

In the judgement of the District Director of the Grand Rapids District of Region III, the prices of food and beverages sold for immediate consumption in the District have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and

In the judgment of the District Director of the Grand Rapids District, the

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>8 F.R. 3718. 7 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136, 12296, 12878.

<sup>&</sup>lt;sup>2</sup>8 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560.

<sup>\*8</sup> FR. 12694, 14346, 14314, 14346. \*8 FR. 2483, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9300, 9879, 9309, 11381, 12035, 12478, 12632, 14033, 14400, 14855, 15459.

maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as possible, the District Director gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.\*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, and pursuant to the authority granted the Regional Administrator of Region III by General Order No. 50 issued by the Office of Price Administration, which has been delegated to the District Director by Regional Office Delegation Order No. 2A, the District Director hereby issued this Restaurant Maximum Price Regulation No. 3-12 establishing as maximum prices for food and drink sold for immediate consumption the prices prevailing therefor during the seven-day period beginning April 4, 1943 and ending April 10. 1943, in the Grand Rapids District.

§ 1448.212 Maximum Prices for food and drink sold for immediate consumption. Under the authority vested in the Regional Administrator of Region III by the Emergency Price Control Act of 1942 as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50 issued by the Office of Price Administration, which authority has been delegated to the District Administrator by Regional Office Delegation Order No. 2A, Restaurant Maximum Price Regulation No. 3-12 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.212 issued under 56 Stat. 23, 765 Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION No. 3-12-FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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Section 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicates-sen, soda fountain, boarding house, or any other eating or drinking establishments, you must not offer or sell any "food item" (including beverages) or "meal" within its proper class as set forth herein, at a price higher than the highest price at which you offered the same "food item" or "meal" in such class during the seven-day period beginning Sunday, April 4, 1943 and ending Saturday, April 10, 1943. You must not sell or offer to sell any other "food item" or "meal" at a price higher than the ceiling price which you figure according to the provisions of sections 2, 3, and 4 herein. You may, of course, sell at less than the ceiling prices.

SEC. 2. How you figure ceiling prices for food items and meals you did not sell in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period, as follows:

(a) If you offered the same food item or meal within thirty days prior to April 4, 1943, you may take as your ceiling price the highest price at which you offered the same food item or meal in its proper class during said thirty-day period. In any such case your records, as set forth in section 10 (c) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period, or the thirty-day period, or if you do not have adequate records of prices charged during the thirtyday period, then you choose from the food items or méals for which a ceiling price has already been fixed, the food item or meal in the same class which is most similar to the food item or meal you are pricing and then proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal. The word "currently" as used herein means current at the time the pricing of the new food item or meal takes place.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for

comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly

provided herein.

Sec. 3. Class of food items and meals-(a) Classes of meals. (1) for the purpose of classification under this regulation, there shall be thirteen classes of meals as follows: breakfast, lunch, tea. dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays; children's breakfast, lunch and dinner.

(2) Where you differentiated in price or otherwise between any of the above classes of meals during the period, April 4 to April 10, 1943, you shall continue to maintain such differential. A meal shall be further classified according to the food item category hereinafter listed in which the main dish of such meal is grouped.

Example. A week day roast pork dinner would be in a different class from a week day roast pork lunch or a Sunday roast pork dinner or a week day vegetable plate dinner, but would be in the same class as a week day pork chop dinner.

(b) Classes of food items. (1) For the purpose of this regulation food items as herein referred to shall be classified into the following categories:

## FOOD ITEMS

- 1. Fruits, fruit juices and vegetables juices.
- 2. Cereals.
- 3. Entrees: egg and combination egg dishes served at breakfast.
- 4. Entrees: meat and meat combination dishes served at breakfast. 5. Entrees: all other dishes served at
- breakfast. 6. Breads, rolls, buns, danish pastries, etc.
- served at breakfast. 7. All other breakfast dishes including jams, jellies and preserves.
- 8. Appetizers, except alcoholic cocktails.
- 9. Soups, including soups in jelly.
- Beef: steaks and roasts.
   Veal: steaks, chops, and roasts.
- Pork: loin, chops, steaks, roasts.
   Lamb or mutton: chops, roasts.
- 14. Poultry and fowl.
- 15. Fish and shell-fish.
- Game.
- 17. Miscellaneous and variety meats, including liver and kidneys.
- 18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
- 19. Egg and cheese dishes and combinations thereof.
- 20. All other dishes such as spagnetti and combinations, vegetable platter, baked beans and combinations, chop sucy, etc.
- 21. Vegetables, including potatoes.
- 22. Salads (except as served as a main course or appetizer course in a meal).
- 23. Desserts: cakes, cookies, ples, pastries, and other baked goods.
- 24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
- 25. Desserts: seasonal dessert specialties including but not limited to watermelons, cantaloupes, fresh fruits, and fresh

<sup>\*</sup>Copies may be obtained from the Office of Price Administration,

- 26. Desserts: all others, including fruits, pudding and cheese
- 27. Cold sandwiches: including garnishings. salads and vegetables.
- 28. Hot sandwiches: including garnishings, salads and vegetables.
- 29. All other food items served in a meal including mints and preserves.
- 30. Beverage foods, including coffee, cocoa, chocolate, tea, and milk.

  31. Non-alchololic beverages, including spar-
- kling and mineral waters.
- 32. Alcoholic malt beverages, including beer and ale.
- 33. Wines, including sparkling wines.
  34. Liquors, including whiskeys, gins and brandies.
- 35. Cordials, including fruit liqueurs.
- 36. All other alcoholic beverages

(2) Where you customarily, during the period April 4 to April 10, 1943, differentiated in price or otherwise as to the serving of the same a la carte food item between any two or more of the following: breakfast, lunch, tea, dinner and supper, on week days; breakfast, lunch, tea, dinner and supper on Sundays, and children's breakfast, lunch and dinner, you shall continue to maintain such differentials, and where such differentials exist such food items shall be deemed to be distinguished as to class.

Example. Mashed potatoes offered à la carte for week day lunches would be in the same class of food items as potatoes au gratin offered a la carte for week day lunches but would be in a different class than mashed potatoes offered a la carte for week day dinners or Sunday suppers or in connection with other meal menus if during the base period they were customarily distinguished in price or otherwise.

(c) Your ceiling prices for food items or meals served on those days designated legal holidays by Federal Law or by the Law of the State in which the establishment is located may be the same as your Sunday ceiling prices for such establishment. If you customarily charged more than usual Sunday prices for meals and food items served on Easter, Thanskgiving, Christmas, New Year's Eve, or New Year's Day, you may, notwithstanding the provisions of sections 1 and 2 herein continue to charge higher prices on those particular days; such higher "holiday" prices, however, shall not be over 15 percent higher than your Sunday ceiling prices.

SEC. 4. Top price limitation on ceiling prices. No maximum price for a "food Item" or "meal" determined under the provisions of sections 2 and 3 above may exceed the highest price at which you offered a "food item" or "meal" of the same class during the 37-day period beginning March 5, 1943, and ending April 10, 1943. If you are establishing a price for a "food item" or "meal" under sections 2 and 3 above and you offered no "food item" or "meal" of the same class during said 37-day period, the maximum price for such "food item" or "meal" being priced shall in no event exceed the highest price at which you offered a "food item" or "meal" in the most closely comparable class during the said 37-day period.

Where you have had a higher price for a "food item" or "meal" offered in the 30 days immediately preceding April 4, 1943 than you had in the base period April 4 to April 10, 1943, and such higher price is used as the top price limitation in the foregoing paragraph, such offering at the higher price shall be supported and substantiated by menus or other appropriate records maintained in conformity with section 10.

Sec. 5. Substitution of food items in meals. If you have already determined your ceiling price for a meal, you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by sections 1 and 2.

Sec. 6. Prohibition against discontinuing meals at certain prices. You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day base period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the sevenday period, and unless

(b) You continue to offer on week days at least as many different meals at or below the lowest price charged by you for meals of the same class on any week day that you select in the seven-day period, as you did on that day.

(c) You continue to offer on Sundays and legal holidays at least as many different meals at or below the lowest price charged by you for meals of the same class on Sunday, April 4, 1943, as you did on that day.

Example. Thus, you may select any week day in the seven-day period as the bace day for week-day meals. If you celect Fri-day, April 9, 1943, to determine the lowest price and the number of week day meals offered at that price, and if on that day you offered six week day dinners, of which two were priced at 85¢, and one each at 90¢, 81.00, 81.10, 81.15, you must continue to offer at least two week day dinners at 85¢.

Sec. 7. Erasion. (a) You must not evade the provisions of this regulation by any scheme or device, including:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction.

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period;

(4) Requiring as a condition of sale of oan item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Discontinuing a no tipping practice without a compensating reduction in your maximum prices.

(6) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal, or give your customers less value for their money.

(b) Subject only to the following paragraph (c) the following curtailments are permitted:

(1) You may limit your customer to one pat of butter per meal; and when necessitated by the restrictions of the rationing program, you may vary the size of such pats of butter. In such case, however, you shall adjust the price of such servings of butter, whenever a separate charge is made-therefor in direct proportion to the change in size of serving. The resulting figure, if it contains a fraction of a cent, shall be adjusted to the next lower cent if the fraction is less than one-half, and to the next higher cent if the fraction is one-half or greater.

(2) You may reduce the quantity or eliminate altogether, ketchup, chili sauce, and any other condiment which is rationed;

(3) You may reduce the amount of sugar served according to your available

supply.

(c) You must not, however, make the curtailment authorized in the foregoing sub-paragraphs and furnish these items at an additional charge. For example, if during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

SEC. 8. Rules for new proprietors and new establishments. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to the commencement of business, however, you may apply to the Grand Rapids District Office of the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same-type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating or dranking place

operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

(c) Changing type of service. If you operated an eating or drinking establishment in the same establishment where you operated an eating or drinking place during the period April 4th to 10th<sub>F</sub> but changed your type of operation, you shall apply to the Grand Rapids District Office of the Office of Price Administration for your proper maximum prices.

(d) Seasonal eating and drinking establishments. If you are the proprietor of a seasonal eating or drinking establishment you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4-10, 1943, use the rules set forth in sections 2, 3, and 4 of this regulation.

- (2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 8, paragraph (a) and (b) herein.
- (3) If you cannot price under paragraphs (1) or (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Office of Price Administration, Grand Rapids District Office. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information:
- (i) Your name and address and address of your establishment.
- (ii) A brief description of your business and the manner of operation.
- (iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the present or coming season, differentiating between week day, and Sunday and Holiday prices.

(iv) The date on which you plan to commence operations.

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration may, at any time, after proper investigation and hearing, establish or reestablish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under paragraphs (1) or (2) herein, you shall, within 10 days of the effective date of this order, file application with the Office of Price Administration District Office for approval of the prices which you are presently charging. Such application shall include the same information as

set forth for applications under paragraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

Sec. 9. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax of any increase in the amount of a previous tax on the sale of food or drink or in the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 10. Records—(a) Filing of menus. General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) Filing by proprietors not in operation during the seven-day period. The proprietor of an eating or drinking place which was not open during the sevenday period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943 and (2) the filing shall be made within three weeks of such first Sunday.

(c) Records of the seven-day period. You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4-10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) Customary records. You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) Future records. Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

Sec. 11: Posting. (a) If you made menus available to customers in the seven-day period April 4, to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in élear and legible printing or writing, the following statement:

All prices listed are at or below our ceiling price, which, by OPA regulation, are the highest prices we charged for the samotitem or meal from April 4 to April 10, 1043. Our records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4-10 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

SEC. 12. Operation of several places. If you own or operate more than one eating and drinking place, you must do everything required by this regulation

for each place separately.

SEC. 13. Relation to other maximum price regulations. The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

SEC. 14. Geographical application. The provisions of this order shall be applicable to all eating and drinking places (as hereinafter defined in section (15) (e)) located in the following counties of Michigan: Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Emmet Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph, Van Buren, Wexford.

SEC. 15. Definitions and explanations.

(a) "Person" means individual, corporation, partnership, association, or any organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political sub-divisions, and any agency of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal" Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold. (d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese

Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 1 and 2, when they are items in different classes. (See section 3 (b) for "classes of food items.") For example: lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "Eating and drinking place" shall include any place, establishment, or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, etc.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

Sec. 16. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

Sec. 17. Exemptions. Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, temple, synagogue, Sunday School, or other religious occasions.

(b) Eating and drinking places located on board common carriers (when operated as such) including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(c) Hospital, except for food items and meals served to persons other than the patients, when a separate charge is made for such food items and meals.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual) which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit) and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy shall be considerea students.

SEC. 18. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time Issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed

adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(1) Your name and address.

(2) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc., classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period, (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served) and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and requested adjusted, prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by any District Director who has been authorized to do

so by order of the Regional Administrator.

Sec. 20. Amendments. You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedure Regulation No. 1, except that the petition shall be filed with and acted upon by the Regional Administrator.

Sec. 21. Licensing. The provisions of Licensing Order No. 1 of the Office of Price Administration, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or the regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 22. Revocation. This regulation may be modified, amended, corrected, or revoked at any time by the Office of Price Administration.

This regulation shall be effective December 1, 1943.

Note: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of October 1943.

JACOB ZWEEDYK,

District Director.

[F. R. Doc. 43-19126; Filed, November 29, 1943; 12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES .[Rev. SR 11 to GMPR, Amdt. 40]

AIRCRAFT, PRECAUTIONARY SERVICES, ETC.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Supplementary Regulation 11 to the General Maximum Price Regulation is amended in the following respects:

1. Section 1493.46 (b) (108) is amended to read as follows:

(103) Aircraft—lubrication, maintenance, painting, rental, repair, storage, washing, operation, conversion, modification, or other servicing of (including but not limited to maintenance of or repairs to engines, instruments, accessories, parts, and other equipment used in connection therewith)

2. The following subparagraphs are added to § 1499.46 (b) to read as follows:

(132) Air-raid precautionary services dealing with buildings or parts thereof.

(133) Carpentry repairs (shopwork only).

(134) Rental of costumes and dress suits.

(135) Public address systems; maintenance, rental, or repair of.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

(136) Signs; maintenance, painting, or repair of.

(137) Sporting goods or recreational equipment or articles (including guns; but not including bowling or billiards and pool equipment, bicycles, canoes and boats) - remodeling, rental, maintenance, repair, and other servicing of.

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES, Administrator

[F. R. Doc. 43-19127; Filed, November 29, 1943; 12:02 p. m.]

PART 1312-LUMBER AND LUMBER PRODUCTS [MPR 348,1 Amdt. 201

#### LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 348 is amended by the addition of Appendix G, Table 7.

#### Table 7

Area. The entire State of Missouri. Species and kind of log or bolt. Chemical cordwood of all hardwood species.

Scaling and grading rules. The basis for measurement shall be the standard cord of 128 cubic feet. The purchase of units of specifications different from the normal cord specifications of 4'x4'x8' shall be computed by converting to cubic feet and adjusting the price upward or downward in proportion to 128 cubic feet.

Sticks are to be cut into 54 inch lengths. All sticks over 8 inches in diameter must be split. The minimum diameter shall be 3 inches measured at the small end.

Maximum prices. \$6.50 per cord of 128

This price to prevail f. o. b. cars or for Chemical wood delivered to the mill by truck.

This amendment shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES.

Administrator

[F. R. Doc. 43-19131; Filed, November 29, 1943; 3:22 p. m.]

PART 1341—CANNED AND PRESERVED FOODS [MPR 409,2 Amdt. 5]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of this amendment

has been issued and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 409 is amended in the following respects:

- 1. Section 2 is amended by deleting the phrase "carload basis" from the first sentence.
- 2. Section 3 (b) (2) is amended to read as follows:
- (2) Adjustment for commodities not included in the Commodity Credit Corporation's raw materials program. (i) In the case of the following commodities, the packer shall adjust for raw material costs in each case by adding to his maximum price for the item under Maximum Price Regulation No. 207 the appropriate figure named in the following table (after conversion to cents per unit of the finished product)

Variety. Cents per pound Asparagus: (raw weight) California, Oregon and Washington 11/2 Other states\_\_\_\_\_

(ii) In the case of the following commodities, the packer shall adjust for raw materials in each case by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the appropriate figure named in the following table (after conversion to cents per unit of the finished product) and adding the difference so obtained to his maximum price for the item under Maximum Price Regulation No. 207.

Cents per pound

7ariety•	(raw w	eight)
Cherries		8½
Blackberries		12
Blueberries (v	vild)	
Maine, Nev	Hampshire, Vermon	ıt.
and Mass	achusetts only	12
(For other	blueberry prices, see to	able
in (iii) b	elow).	
Boysenberries.		12
Gooseberries		8
Loganberries		12
	Black	
	ted	
Strawberries (	Ettersburg variety)	14
Strawberries (	Other varieties)	12
Youngberries.		12
_	Dollars	per to

Dollars per (raw weigh	
Peaches, clingstone	6
Peaches, freestone:	
Oregon and Washington	6
California	50
(For other peach prices, see table in (iii) below).	-
Pears:	_
Oregon and Washington	7
California	6
(For other pear prices, see table in	
(iii)),	

Grapes, Concord ("Concord grapes" means strains of Concord type grapes of the purple slipskin varieties, including but not limited to Concord, Cottage, Eaton, Hartford, Hicks, Rockwood, Ives and Worden)

New York ... Pennsylvania 85 Ohio \_ 85 Michigan\_\_\_\_ 75 Washington \_\_\_\_\_ Plums\_\_\_\_\_\_Prunes, fresh\_\_\_\_\_

Lima beans (except Ford hook lima beans). The applicable area support price of War Food Administration.

Beets. The applicable area support price of War Food Administration. Carrots. The applicable area support price

of War Food Administration.

The specified figures in the right-hand column above include delivery to the packer's customary receiving point.

(iii) In the case of the following commodities, the packer shall adjust for raw material costs in each case by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in the 1943 pack of the product, based on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, the packer may not add an amount greater than the figure listed below (after the listed figure has been converted to a finished product basis)

Cents per pound

(raw weight)

Blueberries (cultivated) 3
Blueberries (wild)
States other than Maine, New Hamp-
shire, Vermont and Massachusetts 3
Cents per pound
Variety: (raw weight)
Cranberries 3
Currants3
Dewberries3
Elderberries 3
Huckleberries 3
Johnsonberries3
Olympic berries8
Spinach1
Dollars per ton
(raw weight)
Apricots 31
Peaches, freestone:
States other than Oregon, Washing-
ton and California 10
Pears:
States other than Oregon, Washing-
ton and California8

(iv) In the case of the following commodities, the packer shall adjust for raw material costs in each case by adding to his maximum price for the item under Maximum Price Regulation No. 207 twenty per cent of the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of that regulation.

Rhubarb. Melons. Ford hook lima beans. Broccoli. Brussels sprouts. Cauliflower. Squash. Pumpkin. Kale.

Vegetable greens (except spinach)

(v) In the case of apples, the packer shall adjust for raw material costs by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in

<sup>\*</sup>Copies may be obtained from the Office

of Price Administration.

18 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214, 12797, 13337, 14212, 14394, 15190. 28 F.R. 5358, 11034, 11080, 11952.

the 1943 pack of the product, based on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, for the purpose of making the adjustment, in computing his weighted average cost for raw materials used in the 1943 pack of the product the packer shall exclude from the computation any amounts paid for fresh apples in excess of \$3.10 per one hundred pounds raw weight delivered to the packer's customary receiving point.

(vi) In the case of an item of mixed fruits or mixed vegetables, the packer shall adjust for raw material costs in each case by applying to his maximum price for the item under Maximum Price Regulation No. 207 the appropriate adjustment for raw material costs provided above for each fruit or vegetable in the mixture, figured separately for the amount of each variety used in the item.

(vii) Any packer who has two seasonal packs of the commodity during the calendar year may figure maximum prices as if each pack were a separate commodity.

- 3. Section 3 (b) (3) is hereby revoked and the designation of section 3 (b) (4) is amended to read section 3 (b) (3).
- 4. Section 3 (m) is amended to read as follows:
- (m) Elective pricing method. -If the packer's maximum price for an item covered by this section cannot be determined under the applicable pricing method, the packer may, at his election, figure his maximum price under the pricing method of this paragraph. He may use this pricing method only for an item for which all of the fruits, berries and vegetables actually used are either subject to maximum price regulations, or are covered by announced prices recommended by the Department of Agriculture for payment to growers (for example, 12 cents per pound for strawberries) or are covered by the Commodity Credit Corporation's purchase and resale program. Under this paragraph, his maximum price shall be:
- (1) His total "direct cost" per dozen or other unit of the item, figured by adding:
- (i) The total cost per unit of all ingredients and packaging materials subject to maximum prices established by the Office of Price Administration, figured at the current maximum prices applying to the class of purchasers to which he belongs, plus

(ii) The total cost per unit of all fresh fruit, berries or vegetables, not subject to maximum prices, for which the Department of Agriculture has announced prices recommended for payment to growers, figured at those announced

prices, plus
(iii) The total cost per unit of all fresh fruit, bernes or vegetables (not subject to maximum prices nor covered by announced prices recommended by the Department of Agriculture for payment to growers) which are included in the Commodity Credit Corporation's purchase and resale program, figured in the case of sales to United States agencies at the Commodity Credit Corporation's purchase prices for the area in which the packer received delivery of the raw materials, and figured in the case of other sales at the Commodity Credit Corporation's resale prices for the area in which the packer is located, plus

(iv) The total cost per unit of every other ingredient (other than fresh fruit, berries and vegetables) and every packaging material for which no maximum price has been prescribed by the Office of Price Administration, figured at the current market price of the ingredient or packaging material in question, plus

(v) The direct labor cost per unit figured at the October 3, 1942, wage rates or as adjusted and approved by the War Labor Board, executive order or other official legal action applying to each class of direct labor employed in the production of the item, plus

(vi) Transportation charges per unit by the usual mode of transportation, if the cost factors used in subdivisions (i), (ii) (iii) and (iv) above are not delivered costs and if these charges are customarily incurred from his customary supply point to his customary receiving

(2) Multiplied by a markup percent-

age, figured by dividing

(i) The maximum price established under the maximum price regulation in effect at the time of the calculation for the most closely comparable commodity produced by him with a cost structure similar to that of the item being priced. bу

(ii) His current cost of ingredients, packaging materials and direct labor of that commodity.

As used in this paragraph, "most closely comparable commodity" means a food commodity which is most nearly similar and whose "direct cost" is closest to and in no event less than two-thirds of the "direct cost" of the item being priced, whose maximum price does not exceed 150% of its "direct cost" and for which the methods employed in its sale and merchandising are similar to those which will be used in the sale and merchandising of the item being priced.

As used in this paragraph, "current" means at the time of figuring the price.

(3) The maximum price determined under the provisions of this paragraph shall be subject to discounts, transportation allowances or other allowances and price differentials no less favorable than those given with respect to the comparable food commodity used in the calculation of the maximum price under this paragraph.

(4) In deciding whether items of labor cost are to be considered as direct labor in figuring the price or are to be treated as overhead, the packer shall follow his customary practice. Thus, if a packer treated cleaning labor as an item of overhead in March 1942, he must continue to treat it in this way when figuring the maximum price.

(5) The packer shall employ no cost factors in addition to those which he used with respect to the comparable commodity by which he determined his percentage markup under subparagraph (2) and shall make no changes in the method of application of those factors which would result in a higher price.

(6) A packer who before December 4, 1943, had established a maximum price for an item by figuring it under the rules theretofore provided by this paragraph shall refigure his maximum price using the rules of this pricing method.

(7) The packer shall report any maximum price figured or refigured under this paragraph in accordance with section 18. The maximum price so reported shall be subject to adjustment at any time by the Price Administrator.

- 5. Section 3 (o) is added to read as follows:
- (o) Restrictions on packers' sales to primary distributors. For sales of the 1943 pack of any item, made after December 3, 1943, no packer may sell to primary distributors a greater percentage than he sold to primary distributors during the one-year period ending April 28, 1942.
- 6. Section 4 (a) is amended to read as follows:
- (a) Primary distributors. A "primary distributor" is a distributor, other than a wholesaler, wagon wholesaler or retailer, who purchases all he sells (for his own account) of the kind of frozen fruits, berries or vegetables being priced and who customarily receives shipment from the packer of at least 50% of his purchases in carload lots delivered to a warehouse or other receiving station not owned or controlled by any of his customers, for resale by him in less-thancarload lots.

There are two pricing methods for primary distributors.

Pricing Method No. 1. A primary distributor may use the following pricing method only if he sold the kind of frozen fruits, berries or vegetables being priced, as a primary distributor, before April 23, 1942, and he may use this pricing method only when he is selling, in less-thancarload lots, merchandise which he has actually warehoused. In normal situations the pricing method will give him the same dollars and cents margin that he previously had.

If the packer's maximum price for the item under this regulation is greater than the packer's maximum price under Maximum Price Regulation No. 207, the primary distributor shall add the difference to the maximum price which he had under Maximum Price Regulation No. 255. If the packer's maximum price for it under this regulation is less than the packer's maximum price under Maximum Price Regulation No. 207, the primary distributor shall subtract the difference from the maximum price which he had under Maximum Price Regulation No. 255. The resulting figure in each case is the primary distributor's maximum price for the item when purchased from the packer, warehoused by him and sold in less-than-carload lots.

Examples. The packer's ceiling price under LIPR 207 for frozen blackberries was 14 cents per pound, packed and frozen in barrels. Under MPR 409 it is now 17% cents. The primary distributor therefore adds the increase of 3% cents to his own ceiling price

(under MPR 255).

The primary distributor handled frozen blackberries as a primary distributor before April 28, 1942. He added frozen cherries to his line in October 1942. Although he can use Pricing Method No. 1 for frozen blackberries he must use Pricing Method No. 2 for frozen cherries.

If the primary distributor handled the kind of frozen fruits, berries or vegetables being priced before April 28, 1942, but did not handle the particular grade, style of pack, container size or type being priced before December 4, 1943, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after December 3, 1943, direct from the packer) multiplied by a markup factor. This markup factor shall be secured by dividing his ceiling price (as figured according to this paragraph (a)) for the most closely comparable item of that kind of frozen fruits, berries or vegetables already handled by him by the net delivered cost to him of that item. He may apply this markup factor only when he is selling, in lessthan-carload lots, merchandise which he has actually warehoused.

Price Method No. 2. For all items, and for sales of such items, which are not covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid

by him.

7. Section 4 (c) is amended to read as follows:

(c) Distributors who are not primary distributors, wagon wholesalers, wholesalers or retailers. The maximum price for an item, f. o. b. shipping point, of a distributor who is not a primary distributor, wagon wholesaler, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells (for his own account) of the kind of frozen fruits, berries and vegetables being priced and resells it without packing and freezing any part of it.

8. Section 4a is added to read as follows:

Sec. 4a. Notification of change in maximum price. With the first delivery after December 3, 1943, of an item of frozen fruits, berries or vegetables, in any case where a seller determines his maximum price pursuant to section 2, section 3 (other than under paragraphs (1) and (m) or section 4 and such maximum price is different from the maximum price he previously had for the same item of the 1943 pack, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below

(insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, style of pack, container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a whole-saler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier confrom your customary type of supplier containing this notification on or after December 4, 1943. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the packer shall supply with each barrel and include in each case or carton containing the item the written notice set forth above, or securely attach it to the barrel, case or carton. However, for sales direct to any retailer, the packer may supply the notice by attaching it to or writing it on the invoice covering the shipment instead of providing it-with each barrel, case or carton.

(b) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of such change in maximum price by written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after December 3, 1943, as follows:

(insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLE-SALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, style of pack, container type and size) has been changed from \$ ... under the provisions of Maximum Price Regulation No. 409. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after December 3, 1943, of any allowance change in your maximum price. This notice must be made in the manner prescribed in section 4a (a) of Maximum Price Regulation No. 409.

9. Section 8 is amended to read as follows:

Sec. 8. Inability to fix maximum prices. If the packer's maximum price for any item cannot be determined under the provisions of the applicable pricing section, and he cannot or elects not to price under section 3 (m) he shall apply to the Office of Price Administration. Washington, D. C., for a maximum price. His application shall set forth (a) a description in detail of the item for which a maximum price is sought, including its grade and the brand name, if any, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price; (b) an itemized current cost breakdown of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g., direct costs-raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors: and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food commodity which contributes substantially to his total volume of business; (c) the desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts and allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price, with discounts and allowances, for the second commodity included in paragraph (b) of this section; and (d) the method of distribution to be employed by the packer in marketing the new commodity (i. e., whether it is to be sold to wholesalers, retailers, consumers, or other classes of purchasers) Upon receipt of such application the Office of Price Administration will authorize the maximum price or a method of determining the maximum price for the applicant or for the sellers of the item generally including purchasers for resale or for a class of such resellers.

Until a maximum price is authorized, the applicant may deliver the item but may not render an invoice or receive

payment for it.

Where any cost factor set forth in the application is an estimated amount, the packer shall file with the Office of Price Administration, Washington, D. within six months but no earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statement.

10. Section 9 is amended to read as follows:

Sec. 9. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order,

11. Section 14 is amended by adding, after the phrase "as required by section 3 (k)" the phrase "or (d) in cases where a packer is establishing a uniform maximum price for an item packed by him in more than one factory, as permitted by section 3 (n)" and by substituting a comma for the period directly following the phrase "as required by section 3 (k)"

12. Section 18 is amended to read as follows:

Sec. 18. Reports which packers must file. (a) Every packer shall file with the district office of the Office of Price Administration for the area in which he is located a statement showing:

(1) The maximum prices which he has figured under this regulation and the items to which they are respectively applicable. Where any maximum price is figured on a delivered basis, he shall also show his price figured on an f. o. b. shipping point basis.

(2) A list of his customary allowances, discounts and other price differentials.

(3) Where the packer figures a maximum price for an item under section 3. (m), the following information in addition to that required by (1) and (2) above: (i) a statement that the maximum price reported was determined in accordance with section 3 (m) and a true copy of the calculations showing his determination of such maximum price.

(b) The statement for any item required by paragraph (a) shall be filed on or before December 27, 1943, or within twenty days after the maximum price has been established in the manner explained in section 14.

This amendment shall become effective December 4, 1943.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1042

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-19132; Filed, November 29, 1943; 3:24 p. m.]

PART 1341-CANNED AND PRESERVED FOODS

[MPR 409,1 Amdt. 6]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of this amend-

<sup>1</sup>8 F.R. 5358, 9298, 11034, 11080, 11952.

ment has been issued and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 409 is amended in the following respects:

1. Section 3 (c) is amended to read as follows:

(c) Permitted increase for miscellaneous costs. The packer's permitted inorease for miscellaneous costs shall be figured by adding the following factors:

(1) Increase for labor. A packer whose factory is located in any of the areas listed in the following table shall figure an increase for labor (1) if he has incurred a wage rate increase approvedby the War Labor Board; (ii) if the wage rate increase became effective after January 1, 1943; and (iii) if 50% or more of the packer's production of the variety being priced was made after the effective date of the wage rate increase. This increase shall apply to sales of the varieties listed below, except sales of corn, peas, snap beans, tomatoes and tomato products, peaches and pears to other than government procurement agencies. The increase shall be figured by multiplying the packer's base price under paragraph (b) above, by the figure indicated for the variety and area.

[Percentages are to be applied to "base prices" under section 3 (b)]

	Areas			
	1	2	8	4
Asparagus Corn Peas Limn beans Sanp beans Spinneh Other vegetables	Percent 3.5 4.5 3.0 3.0 4.0 4.5 6.0	Percent 5.0 4.5 4.5 4.5 6.0 0.0	Parent 3.5 4.0 3.0 4.5 4.0 4.5 0.0	Percent 3.0 4.0 3.0 3.5 4.0 6.0
Apples Peaches Cherries Apricots Grapes Other fruits	25 20 20 20 20	25 80 20 30 20	250 260 20 20 20	250 200 250 250 200 200
BERRIES  Sirawberries Raspberries, red Raspberries, black Blackberries Other berries	45 45 20 20 20 20	45 20 20 20 20 20	41000 41000 0000	20 1.5 20 1.5 20

States included:

Area 1: New York, New Jersey and Pennsylvania.

Area 2: Delaware and Maryland. Area 3: Ohio, Indiana, Illinois, Michigan, Wicconsin, Minnesota, Iowa and Nebraska. Area 4.. Colorado, Utah, Washington, Oregon, California and Idaho.

(2) Increase for additional storage of cold-packed commodities. For cold-packed commodities, an additional one-quarter cent may be added for each pound of the finished product in a unit of the size being priced.

2. Section 3 (m) (1) (v) is amended to read as follows:

(v) The direct labor cost per unit figured at the October 3, 1942, wage rates, adjusted to reflect any wage rate increases, incurred by the packer and approved by the War Labor Board, which became effective after January 1, 1943 but prior to completion of at least 50% of the packer's production of the item.

Appendix A is hereby revoked.
 This amendment shall become effective December 4, 1943.

(56 Stat: 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-19133; Filed, November 29, 1943; 3:24 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Rent Reg., Hotels and Rooming Houses, Amdt. 9]

DESIGNATED DEFENSE-RENTAL AREAS

Schedule A of the Rent Regulation for Hotels and Rooming Houses is amended in the following respects:

1. Items 1 (Anniston) 5 (Huntsville) 11 (Talladega) and 296 (Paris, Tennessee) are revoked to add these areas to other defense-rental areas.

2. Items 1a (Baldwin County, Alabama), 55a (Fort Pierce) 197a (San Miguel County), 343a (Quantico) and 361a (LaCrosse) are added and items 2 (Birmingham) 9 (Muscle Shoals) 23 (Little Rock), 186 (Manchester) 283 (Clarksville) and 338\* (Springfield-Windsor) are amended to read as follows:

<sup>1</sup>8 F.R. 14676, 14814.

-8 F.H. 8500, 9290, 1105±, 1105	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Frice Administration:			
Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under Rent Regula- tion for Hotels and Resming Houses	Maximum rent date	Effective date of regulation	Date by which regis- tration state- ment to be filed (inch- sive)
(1a) Baldwin County (2) Birmingham (9) Muscle Shoals-Huntsville. (23) Little Rock (55a) Fort Pierce (186) Manchester. (197a) San Miguel County (288) Clarksville. (389) Springfield-Windsor (343a) Quantico 1 (361a) La Crosse.	Alabama Alabama Alabama Arkansas Arkans	Colbert, Lauderdale, Luncetone, Modicon, and Mercan. Lonoke and Pulacki. Scilies. St. Lucie. Scilivan. Hillsborough. San Miguel. Henry, Monigomery, and Stewart. Windsor. In the Country of Prince William, the Mesicterial District of Dumiries.	Apr. 1,1341 Apr. 1,1342 Mar. 1,1342 Mar. 1,1342 Mar. 1,1343 Mar. 1,1342 Mar. 1,1342	Dec. 1,1943 Jun; 1,1942 July 1,1942 July 1,1942 July 1,1942 Oct. 1,1943 Oct. 1,1943 Oct. 1,1942 Dec. 1,1943 Dec. 1,1943 Dec. 1,1943 Dec. 1,1943 Dec. 1,1943	Aug. 15, 1542 Aug. 15, 1542 Sept. 15, 1542 Nov. 15, 1642 Jam. 1, 1542 Dec. 16, 1942 Jam. 15, 1544 Nov. 16, 1942 Jam. 15, 1544

This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

This amendment shall become effective December 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Hotels and Rooming Houses.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act/of 1042

(56 Stat. 23, 765)

Issued this 29th day of November 1943.

CHESTER BOWLES,

Administrator

[F. R. Doc. 43-19142; Filed, November 29, 1943; 3:27 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Rent Reg. for Housing, Amdt. 13]

Schedule A of the Rent Regulation for Housing is amended in the following respects:

1. Items 1 (Anniston) 5 (Huntsville), 11 (Talladega) and 296 (Paris, Tennessee) are revoked to add these areas to other defense-rental areas.

2. Items 1a (Baldwin County, Alabama) 554 (Fort Pierce), 197a (San Miguel County) 343a (Quantico), and 361a (LaCrosse) are added and items 2 (Birmingham) 0 (Muscle Shoals), 23 (Little Rock) 186 (Manchester) 286 (Clarksville) and 338 (Springfield-Windsor) are amended to read as follows:

Name of Defense-Rental-Area	State	County or counties in Defense-Rental Area under Rent Regulation for Housing	Maximum rent date	Effective date of regulation	Date by which regis- tration state- ment to be filed (inclu- sive)
(1a) Baldwin County (2) Birmingham (0) Muscle Shoals-Huntsville (23) Little Rock (55a) Fort Pierce (186) Manchester (197a) San Miguel County (289) Clarksville (333) Springfield-Windsor (343a) Quantico 1 (301a) La Crosse	Alabama Alabama Alabama Alabama Arkansas Arkansas Arkansas Florida New Hampshire New Mampshire New Mexico Tennessee Vermont Virginia Wisconsin	Jefferson. Calhoun, Cleburne; St. Clair, Shelby, and Talladega Colbert, Lauderdale, Limestone, Madison, and Morgan. Lonoko and Pulaski. Saline. St. Luce. Sullivan. Hillsborough. San Miguel.	Apr. 1, 1941 Apr. 1, 1941 Mar. 1, 1942 Mar. 1, 1942 Mar. 1, 1943 Mar. 1, 1942	1	Aug. 10, 1942 Aug. 10, 1942

<sup>1</sup> This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

This amendment shall become effective December 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Housing.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

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Issued this 29th day of Nevember 1943.

CHESTER BOWLES,

Administrator

[F. R. Doc. 43-19137; Filed, November 29, 1943; 3:27 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Designation and Rent Declaration 3,2 Amdt. 1]

BIRMINGHAM DEFENSE-RENTAL AREA

Section 1388.101 of Designation and Rent Declaration 3 is amended to read as follows:

§ 1388.101 Designation. The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental

area to be known as the "Birmingham Defense-Rental Area":

In the State of Alabama, the counties of Calhoun, Cleburne, Jefferson, St. Clair, Shelby, and Talladega.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765)

Issued this 29th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19140; Filed, November 29, 1943; 3:25 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Designation and Rent Declaration 23,3 — Amdt. 3]

DEFENSE RENTAL AREAS IN ALABAMA

Designation and Rent Declaration 23 is amended in the following respects:

- 1. In § 1388.1101, items 1 (Anniston) 5 (Huntsville) and 11 (Talladega) are revoked to add these areas to other defense-rental areas.
- 2. In § 1388.1101, item 3 (Muscle Shoals) is amended to read as follows:
- (3) Muscle Shoals-Huntsville, Alabama, Counties of Colbert, Lauderdale, Limestone, Madison, and Morgan.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765)...

Issued this 29th day of November 1943.

CHESTER BOWLES,

Administrator

[F. R. Doc. 43-19141; Filed, November 29, 1943; 3:24 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Designation and Rent Declaration 25,4 Amdt. 19]

DESIGNATED DEFENSE-RENTAL AREAS

Designation and Rent Declaration 25 is amended in the following respects:

- 1. In § 1388.1201, item 206 (Paris, Tennessee) is revoked to add this area to the Clarksville Defense-Rental Area.
- 2. In § 1388.1201, items 17, 127, 200 and 233 are amended and item 266 is added to read as follows:
- (17) Little Rock, Arkansas, Counties of Lonoke, Pulaski, and Saline.
- (127) Manchester, New Hampshire, Counties of Hillsborough and Sullivan.
- (200) Clarksville, Tennessee, Counties of
- Henry, Montgomery, and Stewart.
  (233) Springfield-Windsor, Vormont,
- County of Windsor. (266) Hot Springs-Malvern, Arkansas, Arkansas, Counties of Clark, Garland, and Hot Springs.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765)

Issued this 29th day of November 1943.

CHESTER BOWLES,

Administrator

[F. R. Doc. 43–19139; Filed, November 29, 1943; 3:24 p. m.]

<sup>17.</sup>F.R. 1677.

<sup>&</sup>lt;sup>2</sup>8 F.R. 14663, 14815.

<sup>\*7</sup> F.R. 3193, 4179, 6215.

<sup>47</sup> F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738, 9021, 10738, 12094, 13919, 14763.

Part 1388—Defense-Rental Areas [Designation and Rent Declaration 31,1 Amdt. 14]

DESIGNATED DEFENSE-RENTAL AREAS

In § 1388.1341 of Designation and Rent Declaration 31, items (1) (6) (27) and (44) are amended and items (72), (73), (74) 'and (75) are added to read as

(1) Alabama, Alabama, That portion of the State of Alabama not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Baldwin, Coffee, and Pickens.

(6) Florida, Florida, That portion of the State of Florida not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Columbia, Dade, St. Lucie, Santa Rosa, and Wakulla and in the county of Broward the

city of Hollywood and the town of Hallandale.
(27) New Mexico, New Mexico, That portion of the State of New Mexico not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Curry, De Baca, Roosevelt and San Miguel.

(44) Wisconsin, Wisconsin, That portion of the State of Wisconsin not heretofore designated by the Price Administrator as part of any defense-rental area, except the county of La-Crosse and that portion of the city of Waupun in the county of Dodge.

(72) Baldwin County, Alabama, County of Baldwin.

(73) Fort Pierce, Florida, County of St. Lucie.

(74) San Miguel County, New Mexico, County of San Miguel.

(75) La Crosse, Wisconsin, County of La

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765)

Issued this 29th day of November 1943, CHESTER BOWLES, Administrator.

[F. R. Doc, 43-19138; Filed, November 29, 1943; 8:24 p. m.]

PART 1426-WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[2d Rev. MPR 216,2 Amdt. 1]

EASTERN PRIMARY FOREST PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Second Revised Maximum Price Regulation No. 216 is amended in the following respects:

- 1. In section 2 (c) at the end of the first paragraph, the period is changed to a semi-colon and the words "and Canada" are added.
- 2. Section 2 (e) (9) is amended to read as follows:
- (9) "Normal loading-out point" means the siding or point on a railroad, the

booming and rafting grounds, or the barge landing at which the primary forest products may be sold and to which the forest products can be most cheaply transported from the point of production for shipment by rail, rait, or barge.

8. Section 3 is amended to read as follows:

Sec. 3. Basic maximum prices. The maximum prices for Eastern cross ties and switch ties are set out in section 16; for Eastern wooden mine material in section 17; and for Eastern poles and piling. in section 18. These prices, except for pit posts and round or split lagging, areestablished f. o. b. towable waters, f. o. b. barges at the barge landing, or f. o. b. cars at the railroad loading-out point which is the producer's "normal loadingout point" as defined in section 2 (e) (9).

The maximum producer's price which may be charged or paid shall be the price established for the zone in which the "normal loading-out point" of the material is located, subject only to additions for transportation permitted by section 4.

The maximum prices for pit posts and round or split lagging are on a delivered basis, where the railroad freight rate from point of production to the buyer's mine is 15 cents or less per cwt.

4. In section 4, at the end of the first undesignated paragraph, the period is changed to a comma and the phrase "and in the case of Northern white cedar poles produced in certain areas a basingpoint for computation of transportation additions is provided, as set forth in the heading of Table No. 11." is added.

5. Section 5 is amended to read as fol-

SEC. 5. Treated products. (a) The maximum prices for Eastern primary forest products preservatively treated by pressure process are established by Maximum Price Regulation 491.

(b) The maximum price for any Eastern primary forest product preservatively treated by non-pressure methods (except as otherwise provided herein in the case of Northern White Cedar poles—Table 11a) shall be the maximum price established by the General Maximum Price Regulation for each seller plus or minus an amount to cover any increased or decreased untreated cost resulting from the maximum prices established by this regulation. This amount shall be determined by each seller in the following manner:

Determine the difference between the highest untreated price f. o. b. loadingout point, paid in March 1942 by this seller of treated products and the maximum price established in this regulation for the same size, class, and grade of untreated product. If the buying price is increased by this regulation, add the difference to the seller's established price under the General Maximum Price Regulation for the treated product. If the buying price is decreased by this regulation, subtract the difference from the seller's established price under the General Maximum Price Regulation for the

treated product. Of the seller of a treated product did not buy in March 1942, he should use his buying price in the first month prior to March 1942 in which he purchased the untreated prod-

6. Section 7, in the descriptions of Zones 4 and 5, the words "Green, Taylor" are substituted in lieu of the word "Marion"

7. Section 8 is amended to read as follows:

SEC. 8. Exports and imports. (a) The maximum price for export sales of Eastern primary forest products is governed by the Second Revised Maximum Export Price Regulation.4

(b) For primary forest products produced in Canada and imported at points in "Eastern" territory in the United States, the maximum price is the price "f. o. b. normal loading-out point" established in this regulation for the zone in which the port of entry is located, and such port of entry shall be regarded as the "normal loading-out point" Primary forest products of Canadian origin entered at points in "Western" territory are subject to Revised Maximum Price Regulation No. 284.5

- 8. In section 13, Prohibited practices, a paragraph (b) (4) is added to read as follows:
- (4) Selling or buying material under and according to the provisions of this regulation to be converted into products suitable for uses other than those set out in section 2 (e), "Definitions."
- 9. Section 15 is amended to read as follows:

SEC. 15. *Licensing*. The provisions of Licensing Order No. 1,6 licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

10. In section 16, the first complete sentence of the text is amended to read "The maximum prices set forth below are f. o. b. cars at the railroad loadingout point or loaded on barges at the barge landing which is the 'normal load-ing-out point' for such ties as defined in section 2 (e) (9) or stacked for seasoning in a treating plant's yard within the zone of production."

11. Section 16, Table 1, the figure "1.25" applying to Zone 8, Size 3, and Va 8'6", is changed to "1.35"

12. Section 18, in Table 8 (e) in the vertical column headed "13" mm. butt" the figure "33" applying to the length bracket "58' to 62' Incl." is changed to "43"

13. Section 18, Table 9, in footnote 2, the reference to "section 11" in changed to read "section 10"

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>17</sup> F.R. 7942; 8 F.R. 122, 1229, 1749, 4779, <sup>\*</sup>5738, 5739, 10739, 12099, 12624, 13920, 14012, 14687.

<sup>28</sup> F.R. 12936.

<sup>\*8</sup> F.R. 15594.

<sup>&</sup>lt;sup>4</sup>8 P.R. 4132, 5987. <sup>8</sup>8 P.R. 6544, 10560.

<sup>08</sup> P.R. 240.

14. In section 18, Table 9, footnotes 11 and 12 are amended to read as follows:

<sup>11</sup> Framing of poles including roofing and, if required, two gains and boring of holes therein.

All poles under 40' in length, regardless of class or top

\_. \$0.15 per pole dimension ... For 40' length Class 6 or top

dimension equivalent and smaller \_\_\_ ·For 40' length Class 5 or top dimension equivalent and

.15 per pole .30 per pole

larger\_. For all poles longer than 40' regardless of class or .top dimension

.30 per pole For each additional gain and boring of one hole therein .06 per gain For boring of each additional

.02 per hole 12 Continuous slab gain shall be considered

as multiple gains and may be priced accordingly on basis of six cents for each twelve inches of slab-gained surface including the boring of hole therein.

15. Section 18, Table 11, in the table heading, the expression "IF O. B. cars at the railroad loading-out point!" is amended to read "IF. O. B. normal loading-out point, using Gemmell, Minnesota as the basing pointl"

16. Section 18, Table 11, in "Note 1" immediately below the table, the sentence."Gemmell, Minnesota basing point does not apply." is added. 17. Section 18, Table 11, footnote 4 is

amended to read as follows:

Less than carload sales. On sales by established concentration, distribution or treating plant yards of less than carload minimum weight as established by railroad tariffs and when the invoice value at the maximum prices for the untreated poles or other round material does not exceed \$250.00, the seller may add a service charge of not more than 25 percent of the total invoice value of the treated or untreated material not including transportation, but including the treating and processing additions in Table 11 (a). The transportation addition on "less than carload" sales must not exceed that permitted in section 4 for transportation from the point of origin to the concentration, distribution or treating plant yard from which the sale is made. This service charge may be made only on sales f. o. b. seller's yard, with transportation out-bound for the buy-

18. Section 18, Table 11, in footnote 5, the reference "section 11" is changed to read "section 10" and footnotes 6, 7, and 8 are added to read as follows:

<sup>6</sup> Branding and marking. If required by buyer, the manufacturer's brand showing year mark, class, and length of pole must be branded on the face of treated poles including butt treated at no extra charge. For any additional branding or marking on treated poles including butt treated, and for all branding on untreated poles, an addition of not more than 71/2 cents may be made for each additional branding or marking operation required by the buyer and performed with one iron.

Untreated poles from treating plants. shipments from treating plant yards of un-treated poles the seller may add a charge of not more than 7½ cents per cwt. times the estimated weight for that length and size

in the appropriate table.

\* Storage. When the buyer requires storage of treated poles for a minimum of 30 days until released for shipment as required, the seller may add a yarding charge of not more than 5 cents per cwt. times the estimated weight for the same class and length in the appropriate table.

19. Section 18, in Table 11 (a) the column heading "Glass" is corrected to read "Class" the column heading "Incised with ½" pentrex creosote" is amended to read "Incised with ½" guarcised with 1/2" anteed penetration" and the column sub-heading "Incised and under 8 hours hot treatment" is amended to read "Incised groundline area and-under 8 hours hot treatment."

This amendment shall become effective December 4, 1943.

(56 Stat. 23; 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)-

Issued this 29th day of November 1943. CHESTER BOWLES. Administrator

[F. R. Doc. 43-19134; Filed, November 29, 1943; 3:22 p. m.]

# PART 1439-UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 455, Revocation]

# CABBAGE SEEDS

Maximum Price Regulation No. 455 (§ 1439.5) is hereby revoked in accordance with Supplementary Order No. 40.1

This order of revocation shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943. CHESTER BOWLES,

[F. R. Doc. 43-19130; Filed, November 29, 1943; 3:27 p. m.]

Administrator

## PART 1439-UNPROCESSED ARICULTURAL COMMODITIES.

[MPR 496]

# VEGETABLE SEEDS

In the judgment of the Price Administrator, the prices of vegetable seeds have risen and are threatening to rise further to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended, and are thereby causing undue increases in prices.

This regulation supersedes Maximum Price Regulation 455 (Cabbage Seed)

The Administrator has considered all pertinent provisions of the Emergency Price Control Act of 1942, as amended, and has complied with all legal requirements thereof.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

The maximum prices established by this Maximum Price Regulation No. 496 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register:

§ 1439.8 Maximum prices for vegetable seeds. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and with the concurrence of the Food Administrator, Maximum Price Regulation No. 496 (Vegetable Seeds) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.8 issued under 56 Stat. 28, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 496-VEGETABLE SEEDS

#### Sec. CONTENTS

- 1. Prohibition against sales above the maximum price.
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- Applicability. 3.
- Definitions and construction,
- Maximum prices for farmer-producers.
- Maximum prices for commercial growers.
- Maximum prices for processors. Maximum prices for wholesalers,
- Maximum prices for retailers.
- 10. Maximum prices in other cases.
- 11. Export sales.
- Adjustable pricing.
- 13. Evasion.
- Petitions for amendment.
- Enforcement.
- 16. Records and reports.
- Licensing.
- Revocation of Maximum Price Regulation No. 455.

SECTION 1. Prohibition against sales above the maximum price. While this regulation is in effect, regardless of any contract, agreement or other obligation. no person to whom this regulation is applicable shall sell, offer for sale or delivery any vegetable seeds subject to this regulation at prices higher than the maximum prices specified in this Maximum Price Regulation No. 496, and no person in the course of trade shall buy, solicit, or receive any such vegetable seeds at a price higher than the maximum prices specified in this Maximum Price Regulation No. 496, and no person shall agree, solicit or attempt to do any of the foregoing.

Sec. 2. Less than maximum prices. Lower prices than those provided for in this Maximum Price Regulation No. 496 may be charged, demanded, paid or offered.

Sec. 3. Applicability. (a) Except as provided in paragraph (b) of this sec-. tion, this regulation shall apply to all sales, whether for immediate or future delivery, of domestic and imported vegetable seeds in the 48 states and the District of Columbia of the United States.

(b) This regulation shall have no application to any sale:

)

<sup>&</sup>lt;sup>1</sup>8 F.R. 4325.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

 Of "All America Selections" of vegetable seeds;

(2) Of pea, bean and sweet corn seeds sold in quantities of less than one-half pound net weight;

(3) Of cauliflower seeds sold in quantities of less than one-fourth ounce net weight; nor

(4) Of any other kind of vegetable seeds sold in quantities of less than one-half ounce net weight.

(5) Of roasting ear varieties of sweet corn seeds.

(6) Of the following classes of dry, commercial, field bean seeds; pea, medium white, great northern, small white, flat small white, pink, pinto, cranberry, light red kidney, dark red kidney, western red kidney, cow peas, when so labelled in accordance with the requirements of all applicable State or Federal-seed laws.

Sec. 4. Definitions and construction.
(a) As used in this regulation the following terms shall have the following

meanings:

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing; and includes the United States or any other government or any political subdivision or agency of any of the foregoing

of the foregoing.

(2) "All America Selections" vegetable seeds refer to outstanding new varieties of vegetable seeds which have received special recognition by the organization of the seed industry known as "All America Selections." The "special recognition" must consist of gold, silver, bronze or honorable mention awards given for such outstanding new varieties by vote of the judges of said organization who have conducted field trials thereof. The variety to which such award is given shall be deemed to be a "new outstanding variety" for the year in which such award is given and the year succeeding the same.

(3) "Farmer-producer" is a person who plants, cultivates and harvests vegetable seeds.

(4) "Commércial grower" is a person who:

(i) Cleans, hand picks, purifies, tests in a laboratory and sacks vegetable seeds;

(ii) Labels the same pursuant to all applicable State or Federal seed laws; and

(iii) Himself grows such seed or sells or delivers the same to wholesalers or, in the case of pea, bean and sweet cornseeds, to processors; or sells or delivers the same (ofttimes known as stock seed) to farmer-producers.

(5) "Processor" is a person who procures vegetable seeds which he himself plants or delivers to farmer-producers for the raising of produce which he converts into canned, frozen or dehydrated vegetables or vegetable products.

(6) "Wholesaler" also known to the trade as "jobber" is a person who sells vegetable seeds to retailers in any quantity or to planters in the following quantities:

	ounds)
Bean, more than	6,000
Pea (smooth), more than	6,000
Pea (wrinkled), more than	5,600

Ounntitu

	<i>uantiti</i>
Kind—Continued. (p	ounds
Corn, sweet, more than	E0
Beet, more than	. 🖰 20:
Cabbage, more than	. 10
Carrot, more than	. 22
Cauliflower, more than	
Cucumber, more than	
Lettuce, more than	
Mangel, more than	
Onion, more than	
Swiss Chard, more than	
Rutabaga, more than	
Turnip, more than	

(7) "Retailer" is a person who sells vegetable seeds to planters in quantities less than that required for a sale by a wholesaler as above set forth.

(8) "Vegetable seeds" includes all varieties of each of the following kinds of seeds: pea, bean, sweet corn, beet, cabbage, carrot, cauliflower, chard (Swiss), cucumber, lettuce, mangel, onion, rutabaga and turnip.

(9) "Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 percent tax, if any) not exceeding any maximum price established therefor.

(b) Where a business has distinct units comprising separate and segregated levels of marketing, each unit may sell at the maximum price hereinafter prescribed for that level of marketing. Thus, by way of illustration only, one business may have a commercial grower unit, a wholesale unit and a retail unit. Sales by the retail unit which fall within the definition of a retailer are governed by section 9. Sales by the wholesale unit which fall within the above definition of a wholesaler are governed by section 8; while other sales made in the capacity of a commercial grower as that term is above defined are governed by section 6.

Sec. 5. Maximum prices for farmerproducers. (a) For pea, bean, sweet corn, cauliflower, Swiss chard, mangel, and lettuce (except New York and Imperial types)

(1) The maximum price for the sale or delivery of pea, bean, sweet corn, cauliflower, Swiss chard, mangel and lettuce (except New York and Imperial types) seeds by a farmer-producer shall be the highest price charged by him for each class of sales and deliveries of each variety and kind of such vegetable seeds during the period January 1 to May 31, 1943, hereinafter referred to as the "base period."

(2) For the purposes of subparagraph (1) of this paragraph the phrase "each class of sales and deliveries" means all sales and deliveries to one of the following classes of buyers: "Farmer-producers, commercial growers, processors, wholesalers and retailers"

(3) For the purposes of subparagraph (1) of this paragraph, in determining "his highest price" the farmer-producer shall not commingle f. o. b. selling prices with delivered selling prices. If for a given class of sales or deliveries during said base period he had both, then his highest price f. o. b. his established place of business shall be his maximum price

f. o. b. his established place of business hereunder; and his highest price delivered to a given point (or area including all territory within which he had a uniform delivered price during said base period) shall be his maximum price delivered to that point or area hereunder. If under the foregoing provision a farmer-producer has no maximum delivered price for any particular point or area he may determine the same by adding to his maximum price f. o. b. his established place of business (determined as hereinbefore provided) the actual delivery cost as to each subsequent transaction; or he may take all or a representative list of prospective deliveries in said area and that figure added to his maximum price f. o. b. his established place of business shall be his uniform maximum delivered price for that area. If under the foregoing provisions a farmer-producer had no maximum price f. o. b. his established place of business, he may determine the same by taking his maximum price delivered to a given point or area and deducting therefrom the actual or averaged delivery cost from his established place of business to or within that point or area and the figure obtained shall be his maximum price f. o. b. his established place of business.

(4) For the purposes of subparagraph (1) of this paragraph, if a farmer-producer has a maximum price for a given class of sales or deliveries of a given variety and kind of vegetable seed but not for another class of sales or deliveries thereof, he shall determine his maximum price for such latter class of sales or deliveries by adding to or subtracting from his maximum price for the class of sales and deliveries for which he has an established maximum price hereunder the premium or discount, as the case may be, in dollars and cents normal to the trade during said base period, for the class of sales or deliveries to be priced in relation to said class of sales or deliveries for which he has an established maximum price hereunder; and the resultant figure shall be his maximum price for the class of sales and deliveries in question.

(5) For the purposes of subparagraph (1) of this paragraph, if a farmer-producer has a maximum price for sales and deliveries for one or more, but not for all, varieties of a given kind of vegetable seed he shall determine his maximum prices for each of those varieties thereof for which he has no such price, by taking his maximum price for a given class of sales and deliveries of the variety most similar to the variety to be priced and add thereto or subtract therefrom the discount or premium, as the case may be, in dollars and cents normal to the trade during said base period for a like class of sales or deliveries of the variety to be priced in relation to said given class of sales or deliveries of said most similar variety on which he has a maximum price; and the resultant figure shall be his maximum price for said class of sales or deliveries of said variety in question.

(b) For lettuce, New York and Imperial types: The maximum price for the sale or delivery of lettuce seeds of the New York and Imperial types by a farmer-producer shall be \$1.00 per pound

plus transportation charges from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

(c) For cabbage:

(1) The maximum price for the sale or delivery of Danish Ball Head, Holander and red varieties of cabbage seeds by a farmer-producer shall be \$1.40 per pound plus transportation charges from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

(2) The maximum price for the sale or delivery of all other varieties of cabbage seeds by a farmer-producer shall be \$1.00 per pound plus transportation charges from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

(d) For beet, carrot, onion, rutabaga

and turnip:

(1) The maximum prices for the sale or delivery of the varieties of beet, carrot, onion, rutabaga and turnip seeds which are specified in a memorandum from E. J. Murphy, Chief, Grain Products Branch of the Food Distribution Administration to Commercial Vegetable Seed Growers, and dated October 30, 1943, by a farmer-producer shall be the prices as specified in said memorandum on or prior to the date of the issuance of this regulation which commercial seed growers are required to pay farmer seed growers per pound for such varieties of vegetable seeds in order to be eligible to sell or deliver the same to the Federal Surplus Commodities Corporation, plus transportation charges from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

(2) For other varieties of each kind of vegetable seed mentioned in subparagraph (1) of this paragraph the farmerproducer shall determine his maximum price by adding to or subtracting from the maximum price for the variety most nearly similar thereto for which a maximum price is established under said subparagraph (1) the premium or discount, as the case may be, in dollars and cents normal to the trade during the period January 1 to May 31, 1943, for the variety to be priced in relation to said most nearly similar variety and the resultant figure shall be his maximum price for the variety in question.
(e) The foregoing maximum prices

shall be reduced by the reasonable value of all services rendered by the purchaser in connection with the growing, harvesting or loading for transportation of the vegetable seeds in question.

(f) If any farmer-producer cannot establish a maximum price for a given sale or delivery of vegetable seeds under any of the foregoing provisions of this section, his maximum price shall be the maximum price of his closest competitor for a like sale; and if he has no competitor for the sale in question, he shall apply to the office of Price Administration, Washington, D. C., for the establishment of a maximum price for such sale.

Sec. 6. Maximum prices for commercial growers. The maximum price orcharge for the sale or delivery of vegetable seeds by a commercial grower shallbe as follows:

(a)

© Kind	Base variety 🤝	Basa duan- tity per bag	Maximum price per pound for base quan- tity
Bean	Tendergreen (dwarf green and wax pod) Kentucky Wonder (pole green and wax pod) Henderson's Bush Lima King of Garden (pole Lima) Alaska (smooth) Laxton's Progress (wrinkled)	120 120 112	\$0, 17 • 1675 • 145 • 14 • 10 • 1375
Corn, sweet  Beet Cabbage	Golden Bantām (open-pollinated) Golden Cross Bantam (yellow hybrid) Country Gentleman (white hybrid) Detroit Dark Red	100 100 50 100	10 29 40 1.10 12,55 18,10
Carrot Cauliflower. Chard, Swiss Cucumber Lettuce.	Chantenay Early Snowball Lucullus Long Green Improved Simuson Black Seeded	75 100 50 100 100	1.70 13.00 .63 1.05 2.70
Mangel Onion	Mammoth Long Red. Southport Yellow Globe. Sweet Spanish (Yellow)	100 100	*1,65 .65 *8,30 *8,70 .55 .60

<sup>1</sup> Subject to limitations of paragraph (e).
<sup>2</sup> Subject to limitations of paragraph (e).
<sup>3</sup> Subject to limitations of paragraph (d).

(b) For other varieties of each of the foregoing kinds of vegetable seeds except cabbage, onion and lettuce seeds add to or subtract from the foregoing maximum price for the designated hase variety (or, if more than one base variety is above designated for that base variety most nearly similar to the variety in question) the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety; and the resultant figure shall be his maximum price for the variety in ques-

In the case of cabbage seeds:

(1) If the seller sold or offered for sale Copenhagen Market during the period January 1 to May 31, 1943, the maximum price for Copenhagen Market shall be as set forth in paragraph (a) above and Copenhagen Market shall be the base variety and all other varieties (including Danish Ball Head) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(2) If the seller did not sell or offer for sale Copenhagen Market during the period January 1 to May 31, 1943, the maximum price for Danish Ball Head shall be as set forth in paragraph (a) above and Danish Ball Head shall be the base variety and all other varieties (including Copenhagen Market) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 81, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(d) In the case of onion seeds: (1) If the seller sold or offered for sale Southport Yellow Globe during the period January 1 to May 31, 1943, the maximum price for Southport Yellow Globe shall be as set forth in paragraph (a) above and Southport Yellow Globo shall be the base variety and all other varieties (including Sweet Spanish (Yellow)) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety; and the resultant figure shall be his maximum price for the variety in question.

(2) If the seller did not sell or offer for sale Southport Yellow Globe during the period January 1 to May 31, 1943, the maximum price for Sweet Spanish (Yellow) shall be as set forth in paragraph (a) above and Sweet Spanish (Yellow) shall be the base variety and all other varieties (including Southport Yellow Globe) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(e) In the case of lettuce seeds:

(1) For all other varieties not men-tioned in paragraph (a) add to or subtract from the foregoing maximum price for the base variety of Simpson Black Seeded the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the

period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(f) For quantities more or less than the above specified base quantity of a given variety and kind of vegetable seeds add to or subtract from the foregoing maximum price for said base quantity of the variety and kind in question the premium or discount, as the case may be, in dollars and cents normal to such seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period, for the quantity to be priced in relation to said base quantity; and the resultant figure shall be the maximum price for the quantity in question.

SEO. 7. Maximum prices for processors. The maximum price or charge for the sale or delivery of vegetable seeds by a processor shall be the maximum price for a like sale by a commercial grower plus transportation charges from his receiving point to his place of delivery by a usual route and method of transportation.

Sec. 8. Maximum prices for wholesal-The maximum price for the sale or delivery of vegetable seeds by a wholesaler shall be as follows:

Kind	Base variety	Bass quan- tity per bag	Maximum priso per pound for been quen- tity
Bean	Laxton's Progress (wrinkled) Golden Bantam (open pollinated)	**************************************	8. 21 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2

- 1 Subject to limitations of paragraph (c).
  2 Subject to limitations of paragraph (e).
  3 Subject to limitations of paragraph (d).
- (b) For other varieties of each of the foregoing kinds of vegetable seeds except cabbage, onion and lettuce add to or subtract from the foregoing maximum price for the base variety of that kind of vegetable seed most nearly similar to the variety in question the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period, for the quantity to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.
  - (c) In the case of cabbage seeds:
- (1) If the seller sold or offered for sale Copenhagen Market during the period January 1 to May 31, 1943, the maximum price for Copenhagen Market shall be as set forth in paragraph (a) above and Copenhagen Market shall be the base variety and all other varieties (including Danish Ball Head) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the result-

ant figure shall be his maximum price for the variety in question.

(2) If the seller did not sell or offer for sale Copenhagen Market during the period January 1 to May 31, 1943, the maximum price for Danish Ball Head shall be as set forth in paragraph (a) above and Danish Ball Head shall be the base variety and all other varieties (including Copenhagen Market) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(d) In the case of onion seeds:

(1) If the seller sold or offered for sale Southport Yellow Globe during the period January 1 to May 31, 1943, the maximum price for Southport Yellow Globe shall be as set forth in paragraph (a) above and Southport Yellow Globe shall be the base variety and all other varieties (including Sweet Spanish (Yellow)) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as

the case may be, in dollars and centsnormal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety; and the resultant figure shall be his maximum price for the variety in question.

(2) If the seller did not sell or offer for sale Southport Yellow Globe during the period January 1 to May 31, 1943, the maximum price for Sweet Spanish (Yellow) shall be as set forth in paragraph (a) above and Sweet Spanish (Yellow) shall be the base variety and all other varieties (including Southport Yellow Globe) shall be determined by adding to or subtracting from the maximum price for that base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(e) In the case of lettuce seeds:

(1) For all other varieties not mentioned in paragraph (a) add to or subtract from the foregoing maximum price for the base variety of Simpson Black Seeded the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(f) For quantities more or less than the above specified base quantity of a given variety and kind of vegetable seed add to or subtract from the foregoing maximum price for said base quantity of the variety and kind in question the premium or discount, as the case may be, in dollars and cents normal to such seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period, for the quantity to be priced in relation to said base quantity and the resultant figure shall be the maximum price for the quantity in question.

Sec. 9. Maximum prices for retailers. The maximum price for the sale or delivery of vegetable seeds by a retailer shall be as follows:

(a) For bean, pea and sweet corn:

	Base quan- tity	Maxi- mum price for tase quantity
(1) All varieties of beam. (2) All emouth varieties of pea. (3) All winkled varieties of pea. (4) All open pollinated varieties of sweet corn. (5) All yellow hybrid varieties of sweet corn. (6) All white hybrid varieties of sweet corn.	Pound 1 1 1 1 1 1 1 1 1 1 1	\$0.50 .45 .50 .45 .70

(b) For beet, cabbage, carrot, cauliflower, Swiss chard, cucumber, lettuce, mangel, onion, rutabaga and turnip:

Kind	Base variety	Base quantity	Maximum price for base quantity
Beet	Detroit Dark Red. Copenhagen Market. Danish Ball Head Chantenay. Early Snowball. Luculus. Long Green-Improved. Simpson Black Seeded New York or Imperial types. Mammoth Long Red. Southport Yellow Globe Sweet Spanish (yellow). American Purple Top. Purple Top White Globe.	11,111111111111111111111111111111111111	\$3, 25 16, 95 17, 10 4, 65 50, 00 2, 40 3, 20 22, 10 23, 40 2, 7, 60 1, 60 1, 50

- Subject to the limitations in subparagraph (3 <sup>2</sup> Subject to the limitations in subparagraph (5).
  <sup>3</sup> Subject to the limitations in subparagraph (4).
- (2) For other varieties of each of the foregoing kinds of vegetable seeds except cabbage, onion and lettuce seeds add to or subtract from the foregoing maximum price for the designated base variety of that kind of vegetable seed the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period; for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(3) In the case of cabbage seeds:

- (i) If the seller sold or offered for sale Copenhagen Market during the period January 1 to May 31, 1943, the maximum price for Copenhagen Market shall be as set forth in paragraph (a) above and Copenhagen Market shall be the base variety and all other varieties (including Danish Ball Head) shall be determined by adding to or subtracting from the maximum price for the base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.
- (ii) If the seller did not sell or offer for sale Copenhagen Market during the period January 1 to May 31, 1943, the maximum price for Danish Ball Head shall be as set forth in paragraph (a) above and Danish Ball Head shall be the base variety and all other varieties (including Copenhagen Market) shall be determined by adding to or subtracting from the maximum price for the base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.
  - (4) In the case of onion seeds:
- (i) If the seller sold or offered for sale Southport Yellow Globe during the period January 1 to May 31, 1943, the maximum price for Southport Yellow Globe shall be as set forth in paragraph

- (a) above and Southport Yellow Globe shall be the base variety and all other varieties (including Sweet Spanish (Yellow)) shall be determined by adding to or subtracting from the maximum price for the base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety. and the resultant figure shall be his maximum price for the variety in ques-
- (ii) If the seller did not sell or offer for sale Southport Yellow Globe during the period January 1 to May 31, 1943, the maximum price for Sweet Spanish (Yellow) shall be as set forth in paragraph (a) above and Sweet Spanish (Yellow) shall be the base variety and all other varieties (including Southport Yellow Globe) shall be determined by adding to or subtracting from the maximum price for the base variety the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.

(5): In the case of lettuce seeds:

- (i) For all other varieties not mentioned in paragraph (a) add to or subtract from the foregoing maximum price for the base variety of Simpson Black Seeded the premium or discount, as the case may be, in dollars and cents normal to the seller's own business during the period January 1 to May 31, 1943, or. if none, normal to the trade during said period for the variety to be priced in relation to said base variety and the resultant figure shall be his maximum price for the variety in question.
- (6) For quantities more or less than the above specified base quantity of a given variety and kind of vegetable seed add to or subtract from the foregoing maximum price for said base quantity of the variety and kind in question the premium or discount, as the case may be, in dollars and cents normal to such seller's own business during the period January 1 to May 31, 1943, or, if none, normal to the trade during said period, for the

quantity to be priced in relation to said base quantity and the resultant figure shall be the maximum price for the quantity in question.

Sec. 10. Maximum prices in other cases, (a) The maximum price for the sale of any vegetable seeds by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: Provided, That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

Sec. 11. Export sales. The maximum price for export sales of vegetable seeds for which maximum prices have been established by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum

Export Price Regulation:

Sec. 12. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. Evasion. The price limitations set forth in this regulation shall not be evaded, whether by direct or in-direct methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to vegetable seeds for which maximum prices have been established by this regulation, alone or in conjunction with any other commodity, or by way of commission, service, additional transportation, or other charge, discount, premium, or other privilege, or by tying agreement, or other trade understanding, misgrading

or otherwise.

SEC. 14. Petitions for amendment. Persons seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1.2

SEC. 15. Enforcement. Persons violating any provision of this regulation are subject to the license revocation or sus-

<sup>\*7</sup> F.R. 8961; 8 F.R. 3313, 3553, 6173, 11806.

pension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as

SEC. 16. Records and reports. Except in the case of sales and deliveries by farmer-producers and retailers, every person making a purchase or sale of any vegetable seeds in the course of trade or business shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such purchase and sale including the date thereof, the name of the seller and purchaser, a description of the commodity sold, and the price paid.

SEC. 17. Licensing. The provisions of Licensing Order No. 1,3 licensing all persons who make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 18. Revocation of Maximum Price Regulation No. 455. Maximum Price Regulation No. 455 (Cabbage Seed) 18 hereby revoked.

This regulation shall become effective December 4, 1943.

Note: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of November 1943. CHESTER BOWLES, Administrator.

Approved: November 20, 1943. MARVIN JONES. War Food Administrator

[F. R. Doc. 43-19135; Filed, November 29, 1943; 3:23 p. m.]

# PART 1448-EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-11]

FOOD AND DRINK SOLD FOR IMMEDIATE CON-SUMPTION IN INDIANA (EXCEPT COUNTY

In the judgment of the District Director of the Indianapolis District, the prices of food and beverages sold for immediate consumption throughout the territory included in the Indianapolis District, being all of the State of Indiana, except the County of Lake, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the Indianapolis District, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and

to effectuate the purposes of the Act. So far as possible, the District Director has given due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the Indianapolis District hereby issues this Restaurant Maximum Price Regulation No. 3-11 establishing as maximum prices for food and drink sold for immediate consumption the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943, in the State of Indiana (except Lake County)

§ 1448.211 Maximum prices for food and drink sold for immediate consumption. Under the authority vested in the District Director of the Indianapolis District by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50, issued by the Office of Price Administration, and Delegation Order No. 2-A issued by the Regional Administrator of Region III, Restaurant Maximum Price Regulation No. 3-11 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.211 Issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION NO. 3-11-FOOD AND DRINK SOLD FOR LEGISDIATE CONSUMPTION

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Section 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking establishments, you must not offer or sell any "food item" (including beverages) or "meal" within its proper class as set forth herein, at a price higher than the highest price at which you offered the same "food item" or "meal" in such class during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. You must not sell or offer to sell any other "food item" or "meal" at a price higher than the ceiling price which you figure according to the provisions of sections 2, 3 and 4 herein. You may, of course, sell at less than the celling prices.

Sec. 2. How you figure ceiling prices for food items and meals you did not sell in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer in the sev-

en-day period as follows:

(a) If you served the same food item or meal within thirty days prior to April 4, 1943, you may take as your ceiling price the highest price at which you offered the same food item or meal in its proper class during said thirty-day period. In any such case your records, as set forth in section 10 (c) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period, or the thirty-day period, or if you do not have adequate records of prices charged during the thirty-day period, then you choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal in the same class which is most similar to the food item or meal you are pricing and then proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal. The word "currently" as used herein means current at the time the pricing of the new food item. or meal takes place.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly provided herein.

Sec. 3. Class of food items and meals— (a) Classes of meals. (1) For the purpose of classification under this regulation

<sup>&</sup>lt;sup>8</sup>8 F.R. 13240.

there shall be thirteen classes of meals as follows: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays; children's breakfast, lunch and dinner.

(2) Where you differentiated in price or otherwise between any of the above classes of meals during the period, April 4 to April 10, 1943, you shall continue to maintain such differential. A meal shall be further classified according to the food item category hereinafter listed in which the main dish of such meal is grouped.

Example: A week day roast pork dinner would be in a different class from a week day roast pork lunch or a Sunday roast pork dinner or a week day vegetable plate dinner, but would be in the same class as a week day pork chop dinner.

- (b) Classes of food items. (1) For the purpose of this regulation food items as herein referred to shall be classified into the following categories:
- Fruits, fruit juices and vegetable juices.

Cereals.

- 3. Entrees: egg and combination egg dishes served at breakfast.
- Entrees: meat and meat combination dishes served at breakfast.
- 5. Entrees: all other dishes served at break-
- 6. Breads, rolls, buns, danish-pastries, etc., served at breakfast,
- 7. All other breakfast dishes including jams, jellies, and preserves.
- Appetizers, except alcoholic cocktails.
- 9. Soups, including soups in jelly.

Beef: steaks and roasts.
 Veal: steaks, chops, and roasts.

- 12. Pork: loin, chops, steaks, roasts.
  13. Lamb or mutton: chops, roasts.
- 14. Poultry and fowl
- 15. Fish and shell-fish.

16. Game.

- 17. Miscellaneous and variety meats, including liver and kidneys.
- 18. Prepared dishes such as stews, casseroles,
- ragouts, curries, etc.

  19. Egg and cheese dishes and combinations thereof.
- 20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc. 21. Vegetables, including potatoes.

22. Salads (except as served as a main course or appetizer course in a meal).

- 23. Desserts: cakes, cookies; pies, pastries, and other baked goods.
- 24. Desserts: ice cream, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.

  25. Desserts: seasonal dessert specialties in-
- cluding but not limited to watermelons, cantaloupes, fresh fruits, and fresh berries.
- 26. Desserts; all others, including fruits, pudding and cheese.
- 27. Cold sandwiches: including garnishings, salads and vegetables.
- 28. Hot sandwiches, including garnishings, salads and vegetables.
- 29. All other food items served in a meal including mints and preserves.
- 30. Beverage foods, including coffee, cocoa, chocolate, tea and milk. 31. Non-alcoholic beverages, including spar-
- kling and mineral waters.
- 82. Alcoholic malt beverages, including beer
- 33. Wines, including sparkling wines.
- 84. Liquors, including whiskeys, gins and brandles.
- 35. Cordials, including fruit liqueurs.
- 36. All other alcoholic beverages.

(2) Where you customarily, during the period April 4 to 10, 1943, differentiated in price or otherwise as to the serving of the same a la carte food item between any two or more of the following: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays, and children's breakfast, lunch and dinner, you shall continue to maintain such differentials, and where such differentials exist such food items shall be deemed to be distinguished as to class.

Example: Mashed potatoes offered a la carte for week-day lunches would be in the same class of food items as potatoes au gratin offered a la carte for week-day lunches, but would be in a different class than mashed potatoes offered a la carte for week-day dinners or Sunday suppers or in connection with other meal menus if during the base period they were customarily distinguished in price or otherwise.

(c) Your ceiling prices for food items or meals served on those days designated legal holidays by Federal Law or by the Law of the State in which the establishment is located may be the same as your Sunday ceiling prices for such establishment.

If you customarily charged more than usual Sunday prices for meals and food items served on Easter, Thanksgiving, Christmas, New Year's Eve, or New Year's Day, you may, notwithstanding the provisions of sections 1 and 2 herein, continue to charge higher prices on those particular days, such higher prices, however, in no event to exceed 115% of your Sunday ceiling prices.

Sec. 4. Top price limitation on ceiling price. No maximum price for a food item or meal determined under the provision of sections 2 and 3 above may exceed the highest price at which you offered a food item or meal of the same class during the thirty-seven-day period beginning March 5, 1943 and ending April. 10, 1943. If you are establishing a price for a food item or meal under sections 2 and 3 above and you offered no food item or meal of the same class during said thirty-seven-day period, the maximum price for such food item or meal being priced shall in no event exceed the highest price at which you offered a food item or meal in the most closely comparable class during the thirty-seven-day period.

Where you have had a higher price for a food item or meal offered in the thirty days immediately preceding April 4, 1943 than you had in the base period April 4 to April 10, 1943, and such higher price is used as a top price limitation in the foregoing paragraph, such offering at the higher price must be supported and substantiated by menus and other appropriate records maintained in conformity with section 10.

SEC. 5. Substitution of food items in. meals. If you have already determined your ceiling prices for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you

approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by sections 1 and 2.

Sec. 6. Prohibition against discontinuing meals at certain prices. You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day-period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day pe-

riod, and unless

(b) You continue to offer on week days at least as many different meals at or below the lowest price charged by you for meals of the same class on any week day that you select in the seven-day period, as you did on that day.

(c) You continue to offer on Sundays and legal holidays at least as many different meals at or below the lowest price charged by you for meals of the same class on Sunday, April 4, 1943, as you did on that day.

Example: Thus, you may select any week day in the seven-day period as the base day week-day meals.

If you select Friday, April 9, 1943, to determine the lowest price and the number of week day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15 you must continue to offer at least two week-day dinners at 85¢.

Sec. 7. Evasion. (a) You must not evade the provisions of this regulation by any scheme or device, including:

- (1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction,
- (2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal,
- (3) Increasing any cover, minimum, bread-and-butter, service corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period.
- (4) Requiring as a condition of sale of an item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item.

(5) Discontinuing a no-tipping practice without a compensating reduction in your maximum prices.

(6) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal, or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of those things during the seven-day period:

- (1) You may limit your customer to one pat of butter per meal; and when necessitated by the restrictions of the rationing program, you may vary the size of such pats of butter. In such case, however, you shall adjust the price of such servings of butter, whenever a separate charge is made therefor in direct proportion to the change in size of serving. The resulting figure, if it contains a fraction of a cent, shall be adjusted to the next lower cent if the fraction is less than one-half, and to the next higher cent if the fraction is onehalf or greater.
- (2) You may reduce the quantity or eliminate altogether, ketchup, chili sauce, and other condiments which are rationed.
- (3) You may reduce the amount of sugar served according to your available supply.
- (c) You must not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these items at an additional charge.

For example, if during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

Sec. 8. Rules for new proprietors and new establishments. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place. you are subject to the same ceiling prices and duties as the previous proprietor. Prior to the commencement of business, however, you may apply to the Indianapolis District Office of the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating or drinking place operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

(c) Changing type of service. If you operated an eating or drinking establishment in the same establishment where you operated an eating or drinking place during the period April 4 to 10, 1943, but changed your type of operation, you shall apply to the Indianapolis District Office of the Office of Price Administration for your proper maximum prices.

(d) Seasonal eating and drinking establishments. If you are the proprietor of a seasonal eating or drinking establishment, you must figure your celling

prices as follows:

(1) If your establishment was in oneration during the base period from April 4 to 10, 1943, use the rules set forth in sections 2, 3, and 4 of this regulation.

- (2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 8 (a) and (b) herein.
- (3) If you cannot price under sub-paragraphs (1) or (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Indianapolis District Office. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information:
- (i) Your name and address and address of your establishment.
- (ii) A brief description of your business and the manner of operation.
- (iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the present or coming season, differentiating between week day, and Sunday and holiday prices.
- (iv) The date on which you plan to commence operations.
- (v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration may, at any time, after proper investigation and hearing, establish or re-establish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under subparagraphs (1) or (2) herein, you shall, within 10 days of the effective date of this regulation, file application with the Office of Price Administration, Indianapolis District Office, for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under subparagraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

Sec. 9. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax of any increase in the amount of a previous tax on the sale of food or drink or in the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 10. Records—(a) Filing of menus. General Order No. 50 required you to file with your war price and rationing board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) Filing by proprietors not in operation during the seven-day period. The proprietor of an eating or drinking place which was not open during the seven-day period (including newly opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943 and (2) the filing shall be made within three weeks of such first Sunday.

(c) Records of the seven-day period. You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4-10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) Customary records. You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination

by the Office of Price Administration.
(e) Future records. Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as. or less, than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city,

Sec. 11. Posting. (a) If you made menus available to customers in the seven-day period April 4 to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this regulation:

(1) Your menus must contain in clear and legible printing or writing, the following statement:

All prices listed are at or below our ceiling price, which, by OPA regulation, are the highest prices we charged for the same item or meal from April 4 to April 10, 1943. Our records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4-10 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above: Provided, however That an establishment opereted on a cafeteria or self-service plan may comply with this provision by prominently displaying a sign or placard bearing the statement above set forth and posting the price of each individual item at the place where it is offered for sale.

SEC. 12. Operation of several places. If you own or operate more than one eating and drinking place, you must do everything required by this regulation for each place separately.

SEC. 13. Relation to other maximum price regulations. The provisions of this regulation shall not apply to any sale for which a maximum price is established by any regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

Sec. 14. Geographical application. The provisions of this regulation shall be applicable to all eating and drinking places (as heremafter defined in section (15) (e)) located in the State of Indiana, except the County of Lake.

SEC. 15. Definitions and explanations. (a) "Person" means individual, corporation, partnership, association, or any organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political sub-divisions, and any agency of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten to-gether as one dish are not a "meal" Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not

actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverage) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 1 and 2, when they are items in different classes. (See section 3 (b) for "classes of food items".) For example: lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast. they are in class 4.

(e) "Eating and drinking place" shall include any place, establishment or lo-cation, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens,

lunch wagons, "hot dog" carts, etc.
(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to

other terms used herein.

SEC. 16. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 17. Exemptions: Sales by the following eating or drinking places are specifically exempted from the provisions of

this regulation:

(a) Eating and drinking places operated in connection with special church, temple, synagogue, Sunday School, or other religious occasions.

(b) Eating and drinking places located on board common carriers (when operated as such) including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(c) Hospitals, except for food items and meals served to persons other than the patients, when a separate charge is made for such food items and meals.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual) which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit) and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy shall be considered students:

SEC. 18. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers or fixing specific dollars-and-cents ceiling prices therefor, when, in the judgment of the District Director, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of this regulation, the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum

prices established by this regulation. (2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed

adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maxismum prices by submitting to the Ins dianapolis District Office an application in duplicate. The application should contain the following information:

(1) Your name and address,

(2) A description of your eating establishment, including the type of serve ice rendered, such as cafeteria, tablo service, etc.; classes of meals offered, such as breakfast, lunch and dinner number of persons served per day dura ing the most recent thirty-day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served) and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations or sale of the para

ticular item involved...

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and requested adjusted

prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Sec. 20. Amendments. You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director of the Indianapolis District.

SEC. 21. Licensing. The provisions of Licensing Order No. 1 of the Office of Price Administration, licensing all persons who make sales under price control, are applicable to all sellers subject to this

regulation. A seller's license may be suspended for violations of the license or the regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

his license has been suspended.

SEC. 22. Revocation. This regulation may be modified, amended, corrected or revoked at any time by the Office of Price Administration.

This regulation shall become effective November 1, 1943.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of October 1943.

James D. Strickland,

District Director

[F. R. Doc. 43-19136; Filed, November 29, 1943; 3:23 p. m.]

Part 1388—Defense-Rental Areas [Rent Reg. for Hotels and Rooming Houses, N. Y. C. Area; Amdt, 3]

In sections 7 (a) and 7 (b) of the Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area, the date "November 30, 1943" is amended to read "December 15, 1943."

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765)

Issued this 29th day of November 1943.

James F. Brownlee,

Acting Administrator

[F. R. Doc. 43-19167; Filed, November 30, 1943; 12:06 p. m.]

Part 1388—Defense-Rental Areas

[Rent Reg. for Housing, N. Y. C. Area,3 Amdt. 3]

In section 7 (a) of the Rent Regulation for Housing in the New York City Defense-Rental Area, the date "November 30, 1943" is amended to read "December 15, 1943."

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765)

Issued this 29th day of November 1943.

JAMES F BROWNLEE,

Acting Administrator

[F. R. Doc. 43-19166; Filed, November 30, 1943; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 14 to GMPR, Amdt, 60]

MODIFICATIONS OF MAXIMUM PRICES

The statement of the considerations involved in the issuance of this amendment, has been issued simultaneously

No. 238——5

herewith and filed with the Division of the Federal Register.\*

Revised Supplementary Regulation No. 14 is hereby amended as follows:

1. Paragraph (h) of section 7.6 is hereby revoked.

2. The last un-numbered paragraphs, in parentheses, contained in paragraphs (b), (c) (d) and (e) of section 7.6 are hereby revoked.

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943.

JAMES F. BROWNLEE,

Acting Administrator.

[F. R. Doc. 43-19168; Filed, November 30, 1943; 12:06 p. m.]

# TITLE 46—SHIPPING

Chapter IV—War Shipping Administration
PART 301—General Regulations
[General Order 381]

FORWARDING OF WATERBORNE DEFENSE-AID BULK CARGO

Sec. 301.51 Policy and findings.

301.52 Appointment of agents.

301.53 Compensation. 301.54 Payment:

301.55 Records.

301.56 Renegotiation.

301.57 Effective date.

AUTHORITY: \$\$ 301.51-301.57, inclusive, issued under 56 Stat. 171; E.O. 9054, 7 F.R. 837.

§ 301.51 Policy and findings—(a) Pol-10y. Public Law 498, 77th Congress (56 Stat. 171), authorizes and directs the Administrator, through such administrative measures, agreements with other Federal departments and agencies, contracts with individuals or private business concerns, or other arrangements as he may deem to be necessary or appropriate in the public interest, to coordinate the functions and facilities of public and private agencies engaged in the forwarding and similar servicing of waterborne export and import foreign commerce of the United States, for the efficient prosecution of the war, the maintenance and development of present and post-war foreign trade, and the preservation of forwarding facilities and services for the post-war restoration of foreign commerce.

The Administrator, in order to effectively discharge the responsibility imposed by Public Law 498, 77th Congress (56 Stat. 171) and in accordance with the Directive of the Lend-Lease Administrator issued November 11, 1942 (7 F.R. 9359) and after a determination that such action was in the public interest, has issued, effective February 1, 1943, War Shipping Administration Revised

Directive 4 (8 F.R. 1321) with respect to the forwarding of certain cargo in waterborne foreign commerce of the United States.

(b) Findings. The Administrator has determined that the accomplishment of the purpose of the Act aforesaid requires the appointment of persons and private agencies who the Administrator finds are qualified within the meaning of said Act, to act as agent for the Administrator in the performance of forwarding and similar servicing of bulk cargo within the scope of Revised Directive 4.

8 301.52 Appointment of agents. With respect to bulk cargo within the scope of Revised Directive 4 (8 FR. 1321), the Administrator, through the Director of Traffic, may designate and appoint individuals and private business concerns engaged in the forwarding and similar servicing of waterborne bulk cargo in foreign commerce of the United States, as his agents to make all necessary arrangements for the transportation from designated terminal, yard, or other places at or adjacent to port ofloading to designated docks, piers, or wharves, and to perform such other duties customarily performed in the forwarding of bulk cargo, including but not restricted to:

(a) The duties prescribed in section 13 of Revised Operations Regulation 23 (Revised Forwarding Regulation 1)

(b) Tracing the goods to assure their prompt movement.

(c) Checking the arrival of the goods at the seaboard, and arranging for their transfer to the vessel either by truck, lighter, or otherwise.

(d) Checking the physical handling of the goods in the railroad yards to assure the moving of the shipment, complete on one or more lighters.

(e) Checking, where necessary, the actual unloading of the lighter, or the placing of the lighter alongside the vessel within the reach of the ship's tackle.

(f) Cooperating with the agency controlling inland routing for diversion enroute, when necessary, from the port originally designated, to some other port.

(g) Correlating and consolidating shipments from different suppliers so that essential shipments may go together on one vessel.

(h) Preparing all necessary shipping documents, such as dock receipts, bills of lading, charter parties, contracts of affreightment, customs declarations and entries, and performing whatever documentary work may be necessary to conform with any system set up by agencies of the United States or of other nations.

The foregoing duties shall be subject to such regulation; directions and orders as may be issued by the Administrator, from time to time.

§ 301.53 Compensation. The compensation for services rendered hereunder shall be at such fair and reasonable rates as the Administrator shall from time to time determine. The Administrator finds and hereby determines that the following shall constitute a fair and reasonable rate:

1%% of the base freight charges on the cargo, before all surcharges, war or other-

<sup>18</sup> F.R. 13910, 14814.

<sup>28</sup> F.R. 13914, 14814.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>2</sup> General Order No. 37 will be issued at a later date.

wise: Provided, however, That compensation shall not be paid on that portion of freight charges in excess of \$5.00 per long ton in the nearby trades which includes Caribbean and Canadian, and \$8.00 per long ton in the long voyage trades, except grain, which compensation shall not exceed 5¢ per long ton.

§ 301.54 Payment. Compensation hereunder will be paid by the Administrator upon receipt of public vouchers properly executed, certified and supported.

The original and five copies of each public voucher shall be prepared and forwarded to the Chief, Cargo Control Unit, War Shipping Administration, at 39 Broadway, New York 6, New York.
The voucher shall be executed by the

authorized officer of the agent.

§ 301.55 Records. The Administrator or his authorized representatives shall at all times have access to the premises of the agent and shall have the right to audit, inspect and make copies of books, records, correspondence, vouchers, and memoranda of every description pertaining to the work to be performed hereunder.

Compensa-§ 301.56 Renegotiation. tion paid or payable pursuant to this General Order (§§ 301.51 through 301.57) is subject to the provisions of section 403 of the Sixth Supplemental National Defense Appropriation Act of 1942 (56 Stat. 219) as amended.

§ 301.57 Effective date. This general order (§§ 301.51 through 301.57) shall be effective November 15, 1943.

[SEAL]

E. S. LAND, Administrator

NOVEMBER 30, 1943.

[F. R. Doc. 43-19150; Filed, November 30, 1948; 10:32 a. m.]

# TITLE 49-TRANSPORTATION AND RAILROADS

Chapter II-Office of Defense Transportation

[General Order ODT 16, Amdt. 1]

PART 502-DIRECTION OF TRAFFIC MOVEMENT

SUBPART F-FREIGHT SHIPMENTS TO OR WITHIN PORT AREAS IN THE UNITED STATES

Pursuant to Executive Order 8989, as amended, General Order ODT No. 16 (7 F.R. 5194) be, and it is hereby amended by changing the caption of Subpart F to read: "Freight Shipments To or Within Port Areas in the United States" by designating § 502.49 of said order as § 502.50; and by incorporating in said order a new § 502.49 to read as follows:

§ 502.49 Transportation of carload and truckload shipments of government domestic or import freight to or within designated port areas for storage in public warehouses. (a) No person shall offer any carload or truckload shipment of domestic or import freight for transportation from any point in the continental United States to or within any port area named in Appendix A hereof when such shipment is intended for

storage for account of a government agency m-a public warehouse located within any such port area, unless the transportation of such shipment to such public warehouse within such port area has been authorized by an ODT port storage forwarding permit issued by the Director, Division of Storage, Office of Defense Transportation, or his author-ized permit agent, and the number of such permit is endorsed upon the shipping order or other appropriate shipping document covering such shipment. For the purpose of this § 502.49 the term "government agency" means any agency or department of the United States, including any corporation organized and controlled by the United States, and the Dairy Products Marketing Association; and the term "public warehouse" means a warehouse or other place of storage, the operator of which is engaged as a warehouseman in the business of storing goods therein for compensation.

(b) Application for an ODT port storage forwarding permit pursuant to the provisions of this § 502.49 shall be made by the government agency for whose account the freight is to be stored, in accordance with procedures to be prescribed by the Director, Division of Storage, Office of Defense Transportation, in an Administrative Order to be issued pursuant to this § 502.49.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

This Amendment 1 to General Order ODT No. 16 shall become effective December 20, 1943.3

Issued at Washington, D. C., this 30th day of November 1943.

> JOSEPH B. EASTMAN, Director

# Office of Defense Transportation. APPENDIX A

Baltimore, Md. Bellingham, Wash. Boston, Mass. Camden, N. J. Everett, Wash.

Galveston, Tex. Houston, Tex. Jacksonville, Fla. Los Angeles, Calif. Mobile, Ala. New Orleans, La. Newport News, Va. New York, N. Y. Norfolk, Va.

Oakland, Calif. Olympia, Wash. Pensacola, Fla. Philadelphia, Pa. Portland, Oreg. Portsmouth, Va Richmond, Calif. San Francisco, Calif. Savannah, Ga. Seattle, Wash. Tacoma, Wash. Tampa, Fla. Vancouver, Wash.

[F. R. Doc. 43-19148; Filed, November 30, 1943; 9:47 a. m.]

[General Permit ODT 18A-1, Amdt. 2]

PART 520-CONSERVATION OF RAIL EQUIP-MENT; EXCEPTIONS, PERMITS, AND SPE-CIAL DIRECTIONS

# CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A (8 F.R. 14477) General Permit ODT 18A-1, as amended (8 F.R. 14480, 14858), is hereby further amended as follows:

The heading of item 15 which now reads "Cement, Portland." shall read: "Cement."

A new item reading as follows shall be inserted immediately following the provisions of item 15:

16. Cement, lime, mortar mix, plaster, and/or stucco. In packages, mixed carloads, when consigned to dealers for stock, may be loaded to a weight not less than 60,000

The word and figures "December 1, 1943," where they appear in items 30, 35. and 40 shall read: "January 1, 1944,"

This Amendment 2 to General Permit ODT 18A-1, as amended, shall become effective November 30, 1943.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 18A, 8 F.R. 14477)

Issued at Washington, D. C., this 30th day of November 1943.

> Joseph B. Eastman, Director, Office of Defense Transportation.

[F. R. Doc. 43-19149; Filed, November 30, 1943; 9:47 a. m.]

# Notices

# FEDERAL TRADE COMMISSION.

[Docket No. 5087]

STACY WILLIAMS Co., INC., AND BENNETT BROKERAGE CO., INC.

### COMPLAINT AND NOTICE OF HEARING

In the matter of Stacy Williams, individually and as president of Stacy Williams Company, Inc., Claude Bennett, individually and as president, secretary, and treasurer of Bennett Brokerage Company, Inc., and secretary and treasurer of Stacy Williams Company, Inc., Bennett Brokerage Company, Inc., a corporation, and Stacy Williams Company, Inc., a corporation.

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated, and are nowviolating, the provisions of subsection (c) of section 2 of the Clayton Act (U. S. C., title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Stacy Williams is an individual residing in the City of Birmingham, Alabama, and is president of Stacy Williams Company, Inc., and is also a stockholder in Bennett Brokerage Company, Inc.

Respondent Claude Bennett is an individual residing in the City of Birmingham, Alabama, and is president, secretary and treasurer of Bennett Brokerage Company, Inc., and is secretary and treasurer of the Stacy Williams Company, Inc.

Respondent Bennett Brokerage Company, Inc., is a corporation organized and existing under the laws of the State of Alabama, with its principal office and place of business located at 221 Fourth Avenue, North, Birmingham, Alabama. This organization is a closed corporation,

the entire stock of which is owned by respondent Stacy Williams and respondent Claude Bennett and/or their respective wives. Said respondent company since June 19, 1936, has engaged in negotiating the sale of steel and glass containers, including tin cans, glass bottles and various other products and commodities. Said respondent's principal customer for such merchandise is the respondent Stacy Williams Company, Inc., as the respondent Bennett Brokerage Company, Inc., receives approximately seventy-five percent of its income from brokerage fees or commissions on sales of merchandise to respondent Stacy Williams Company, "Inc.

Respondent Stacy Williams Company, Inc., is a corporation organized and existing under the laws of the State of Alabama, with its principal offices and place of business located at 221 Fourth Avenue, North, Birmingham, Alabama. This organization is a closed corporation, the entire stock of which is owned by Stacy Williams and Claude Bennett and/or their respective wives. Said respondent company is engaged in the business of manufacturing various types, grades and brands of table syrups and also in the purchase, sale and distribution of steel and glass containers, including tin cans, glass bottles and various other products and commodities. Said respondent company has a branch located at Tuscaloosa, Alabama, which is principally engaged in the purchase, sale and distribution of food products and other commodities. The respondent Stacy Williams Company, Inc., purchases a large portion of its requirements of steel and glass containers, including tin cans, glass bottles and various other products and commodities, through the Bennett Brokerage Company, Inc.

PAR. 2. The active management and operation of said respondent corporations are directed from the same private office by respondents Stacy Williams and Claude Bennett. The same office force is available and is utilized in the operations of both of said respondent corporations. The respective wives exercise no control or direction of the operations of either respondent corporation. The offices of both individual respondents named and of both respondent corporations are located in a building owned by the individual respondents at 221 Fourth Avenue, North, Birmingham, Alabama. Respondent Stacy Williams Company, Inc., has a capital stock of ten thousand dollars, which is divided into one hundred shares of stock with a par value of one hundred dollars each. The stock of this corporation is owned by the following individuals in the amount stated:

Sha	
Stacy Williams	49
Bessie Williams	1
Claude Bennett	
Lucille-Bennett	

Respondent Bennett Brokerage Company, Inc., has capital stock in the amount of two thousand dollars, which is divided into twenty shares of stock with a par value of one hundred dollars

each. The stock is owned by the following individuals in the amount stated:

Situ	
Claude Bennett	1
Lucille Bennett	9
Bessie Williams	10

Thus there is a complete interlocking stock ownership of these two companies, and the income received by both corporations is for the benefit of the respective stockholders. Stacy Williams and Bessie Williams, his wife, own a fifty percent stock interest, and Claude Bennett and Lucille Bennett, his wife, own the other fifty percent stock interest in respondent Stacy Williams Company, Inc., and in respondent Bennett Brokerage Company, Inc.

PAR. 3. Respondents Stacy Williams. individually and as president of Stacy Williams Company, Inc., Claude Bennett, individually and as president, sec-retary and treasurer of Bennett Brokerage Company, Inc., and as secretary and treasurer of Stacy Williams Company, Inc., Bennett Brokerage Company, Inc., and Stacy Williams Company, Inc., in the course and conduct of their respective businesses since June 19, 1936, purchased a substantial portion of their requirements of steel and glass containers, including tin cans, glass bottles and various other products and commodities, through the instrumentality of Bennett Brokerage Company, Inc. Such purchases are made from various sellers located in states other than the state in which the respective respondents are located. Pursuant to said purchases and respondents' instructions, said merchandise is shipped and transported by the respective interstate sellers thereof across state lines to the respondents Bennett Brokerage Company, Inc., and Stacy Williams Company, Inc. 1

PAR. 4. Respondents Stacy Williams, individually and as president of Stacy Williams Company, Inc., Claude Bennett, individually and as president, secretary and treasurer of Bennett Brokerage Company, Inc., and secretary and treasurer of Stacy Williams Company, Inc., Bennett Brokerage Company, Inc., and Stacy Williams Company, Inc., since June 19, 1936, in connection with their purchases of a substantial portion of their requirements of steel and glass containers, including tin cans, glass bottles and various other products and commodities in interstate commerce, in their own behalf and for their own account for resale, have been and are now receiving and accepting, directly or indirectly, brokerage fess or commissions in substantial amounts from numerous interstate sellers of said merchandise.

Par. 5: A representative, but by no means complete, list of sellers who, since June 19, 1936, have sold and delivered steel and glass containers, including tin cans, glass bottles and various other products and commodities to respondents Stacy Williams, Claude Bennett, Stacy Williams Company, Inc., and Bennett Brokerage Company, Inc., and who have allowed, granted and paid, directly or indirectly, to each of said respondents

brokerage fees or commissions on such purchases and sales, is as follows:

National Can Corporation, New York, N. Y. Clinton Company, Clinton, Iowa. Ruggles & Rademaker Salt Company, Man-

istee, Mich. Continental Can Company, Memphis, Tenn. Knox Glass Bottle Company, Jackson, Miss.

Par. 6. The receipt and acceptance of sums of money generally referred to as brokerage fees or commissions from interstate sellers since June 19, 1936, by Stacy Williams, individually and as president of the Stacy Williams Company, Inc., by Claude Bennett, individually and as president, secretary and treasurer of the Bennett Brokerage Company, Inc., and secretary and treasurer of the Stacy Williams Company, Inc., by Bennett Brokerage Company, Inc., and by Stacy Williams Company, Inc., in connection with their respective purchases and sales of steel and glass containers, including tin cans, glass bottles and various other products and commodities by said respondents, is in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 26th day of November, A. D. 1943, issues its complaint against said respondents.

Notice. Notice is hereby given you, Stacy Williams, individually and as president of Stacy Williams Company, Inc., Claude Bennett, individually and as president, secretary and treasurer of Bennett Brokerage Company, Inc., and secretary and treasurer of Stacy Williams Company, Inc., Bennett Brokerage Company, Inc., a corporation, and Stacy Williams Company, Inc., a corporation, respondents herein, that the 31st day of December, A. D. 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice, adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which care respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to re-spondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule

In witness hereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 26th day of November, A. D. 1943.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary ...

[F. R. Doc. 43-19163; Filed, November 30, 1943; 11:16 a. m.]

OFFICE OF ALIEN PROPERTY CUS-TODIAN.

[Vesting Order .2243]

PETER S: CERRUTI, ET AL.

In re: Interest in a trust estate administered by the Title Insurance and Guaranty Company and August Cerruti, Co-Trustees, and owned by Peter S. Cerruti, Michelina Cerruti, Adelaide Cerruti and Leonida Cerruti.

Under the authority of the Trading with the Enemy Act, as amended, and 7 Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

- 1. That the last known addresses of Peter S. Cerruti, Michelina Cerruti, Adelaide Cerruti and Leonida Cerruti are Via Ciroconvalazione, Chiavari Province, Genoa, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);
- 2. That Peter S. Cerruti, Michelina Cerruti, Adelaide Cerruti and Leonida Cerruti are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows: All right, title, interest and claim of Peter S. Cerruti, Michelina Cerruti; Adelaide Cerruti and Leonida Cerruti, and each of them; in and to that certain trust estate being administered by the Title Insurance and Guaranty Company, a California corporation, and August Cerruti of San Francisco, California, as Co-Trustees, pursuant to a trust agreement dated October 16, 1940, between Peter S. Cerruti and Michelina Cerruti, husband and wife, and the Title Insurance and Guaranty Company, together with all rights, powers and authority of revocation or of modification of said agreement reserved by the said Peter S. Cerruti and Michelina Cerruti,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in sub-paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 21, 1943.

[SEAL]

LEO T. CROWLEY. Alien Property Custodian.

[F.R. Doc. 43-19101; Filed, November 29, 1943; 10:55 a. m.]

# [Vesting Order 2322]

ANDREWS AND GEORGE Co., INC.

In re: One hundred six (106) metal cutting tools owned by Andrews & George Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Andrews & George Company, Inc., is a corporation organized under the laws of Japan, with its last known principal place of business located at 5 Shiba Park, Tokyo, Japan, and is a national of a desig-

nated enemy country (Japan);
2. That Andrews & George Company, Inc., is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: All those metal cutting tools described in Exhibit A, attached hereto and by reference made a part hereof, presently in the possession of the Illinois Tool Works, 2501 North Keeler Avenue, Chicago, Illinois, and believed to be 106 tools,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consulta-tion and certification required by law, and deeming it necessary in the national

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any and all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section . 10 of Executive Order No. 9095, as .amended.

Executed at Washington, D. C., on October 4, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

# EXHIBIT A

Illinois Tool Works, Shop Number Description, and Number in Inventory

Order No. 110: F-214122; 6 D. P. 14-1/2° P. A. 3" P. D. shaper cutter; 2. F-214123; 7 D. P. Ditto; 2. F-214124; 8 D. P. Ditto; 2.

F-214125; 10 D. P. Ditto; 2. F-214126; 5 D. P. 14-1/2° P. A. 4" P. D. shaper cutter: 2. F-214127; 2 Module 20° P. A. 8" P. D.

shaper cutters; 2.

F-214128; 2.5 Module Ditto; 2. F-214129; 3 Module Ditto; 2. F-214130; 3.5 Module Ditto; 2. F-214131; 4 Module Ditto; 2. F-214132; 4.5 Module Ditto; 2.

F-214133; 5 Module 20° P. A. 4" P D. shaper cutter; 2.

F-214134; 6 Module Ditto; 2.

Order No. 484: H-214113; 8 D. P. 20° P. A. Unground hobs; 3.

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Order No. 515:
  H-213150; 3 Module 14-1/2° P. A. unground
hob; 1.
  H-213151; 3-1/2 Module Ditto; 1.
  H-213152; 4 Modyle Ditto; 1.
H-213153; 5 Module Ditto; 1.
H-213154; 6 Module Ditto; 2.
  KS-B-21988; EC-21 Saw; 1.
                  EC-27 Saw; 1.
  Order No. 529:
  HG-213155; 1-3/4 D. P. 20° P. A. ground
hob; 1.
  HG-213156; 3 D. P. Ditto; 1.
HG-213157; 4 D. P. Ditto; 1.
  HG-213158; 1-1/2 D. P. Ditto; 1.
  HG-213160; 14 Module 20° P. A. ground
  HG-213161; 12 Module Ditto; 1.
  Order No. 549:
H-213176; 2-1/3/4 Module 20° P. A. unground hob; 1.
  H-213177; 2-1/2/2 Ditto; 1.
H-213178; 3-2-1/4 Ditto; 1.
H-213179; 3-1/2-2-1/2 Ditto; 1.
  H-213181; 5-3-3/4 Ditto; 1.
  H-213182; 6-4-1/2 Ditto; 1.
  F-213183; 2 Module 20° P. A. 3" P. D.
shaper cutters; 1.
  F-213184; 2.5 Module 20° P. A. 4" P. D.
shaper cutters; 1.
F-213185; 3 Module Ditto; 1.
  Order No. 566:
  H-B-21957; 1-1/2 D. P. 14-1/2° P. A. un-
ground hob; 1.
  H-B-21958; 1-3/4 D.P. Ditto; 1.
H-B-21960; 2-1/2 D.P. Ditto; 1.
H-B-21963; 5 D. P. Ditto; 1.
H-213145; 14 Module 14-1/2° P. A. unground hob; 1.
  Order No. 594:
  HG-213162; 2 Module 20° P. A. ground
  HG-213165; 3-1/2 Module Ditto; 1.
  HG-213167; 5 Module Ditto; 1.
   H-213169; 2 Module 20° P. A. unground
  H-213170; 2-1/2 Module Ditto; 1.
  H-213171; 3 Module Ditto; 1.
  H-213172; 3-1/2 Module Ditto; 1.
  H-213173; 4 Module Ditto; 1.
H-213174; 5 Module Ditto; 1.
  Order No. 622:
  HG-B-21982; 12 D.P. 14-1/2° P.A. ground
  HG-B-21983; 7 D.P. Ditto; 1
  HG-B-21985; 2-1/4 D.P. Ditto; 1.
HG-213146; 2 Module Ditto; 1.
HG-213147; 3 Module Ditto; 1.
  HG-213148; 4 Module Ditto; 1.
HG-213149; 6 Module Ditto; 1.
   Order No. 637:
  F-213143; 5 D. P. 14-1/2° P. A. 4" P. D.
shaper cutters; 3.
   F-213144, 5 Module 20° P. A. 4" P. D.
shaper cutters; 3.
   Order No. 646:
  HG-B-22215; 6 D. P. 14-1/2° P. A. Ground
hob: 2.
  HG-B-22216; 10 D. P. Ditto; 1.
   Order No. 667:
   LB-213743; 3 spline broach 32 M. M., 1.
   LB-213744; Ditto 42 M. M., 1.
   LB-213745; Ditto 45 M. M., 1.
   Order No. 669:
   HG-B-22197; 6 D. P. 20° P. A. ground hobs;
   HG-B-22198; 8 D. P. Ditto; 3.
   HG-B-22199; 10 D. P. Ditto; 3.
   HG-B-22204; 6 D. P. 14-1/2° P. A. ground
   HG-B-22205; 7 D. P. Ditto; 2.
   HG-B-22207; 9 D. P. Ditto; 3.
   HG-B-22210; 14 D. P. Ditto; 3.
   HG-B-22212; 18 D. P. Ditto; 2.
   Total number of tools in inventory, 106.
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[F. R. Doc. 43-19080; Filed, November 29, 1943; 10:52 a. m.]

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[Vesting Order 2440]
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WILHELM EPP AND DIETRICH WESEMEYER

In re: Interests of Wilhelm Epp and/or "Wilep" Fabrik Techn. Bursten und Pinsel Wilhelm Epp Kommanditgesellschaft in an agreement with Dietrich Wesemeyer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9035, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Wilhelm Epp is 20 Hevnstrasse, Berlin-Pankow, Germany, and that he is a national of a foreign country (Germany):

country (Germany);
2. That "Wilep" Fabrili Techn. Bursten und Pinsel Wilhelm Epp Kommanditgecell-schaft is a business organization organized under the laws of Germany and is a national of a foreign country (Germany);

3. That the property indentified in subparagraph 4 hereof is property of Wilhelm Epp and/or "Wilep" Fabrik Techn. Bursten und Pinsel Wilhelm Epp Kommanditgesellschaft:

4. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Wilhelm Epp and/or "Wilep" Fabrik Techn. Bursten und Pinsel Wilhelm Epp Kommanditgesell-schaft by virtue of an agreement entered into in November 1939 (including all medifications thereof or supplements thereto, if any)-by and between Wilhelm Epp and Dietrich Wesemeyer, which agreement relates, among other things, to United States Letters Patent No. 1,941,343.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds threof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admis-

sion of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of the Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[P.R.Doc. 43-19110; Filed, November 29, 1943; 10:56 a. m.]

# [Vesting Order 2441] ASKANIA-WERKE, A. G.

In re: Interests of Askania-Werke Aktiengesellschaft in a contract with Sperry Gyroscope Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Ackania-Werke Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany):

country (Germany);
2. That the property described in subparagraph 3 hereof is property of Askania-Werke Aktiengezelischaft;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Askania-Werke Aktiengesellschaft by virtue of an agreement dated June 23, 1939 (including all modifications thereof and supplements thereto, if any) by and between Askania-Werke Aktiengesellschaft and Sperry Gyroscope Company, Inc., which agreement relates, among others, to patent number 2,129,586, issued September 6, 1938, inventor W. Moller, for Gyroscopic Instrument.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 20, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-19081; Filed, November 29, 1943; 10:52 a. m.]

# [Vesting Order 2443]

BERGWERKS VERBAND ZUR VERWERTUNG VON SCHUTZRECHTEN DER KOHLENTECH-NIK, G. M. B. H.

In re: Interest of Bergwerks Verband zur Verwertung von Schutzrechten der Kohlentechnik, G. m. b. H. m a patent and in a contract with The Koppers Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Bergwerks Verband zur Verwertung von Schutzrechten der Kohlentechnik, G. m. b. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property identified in sub-paragraph 3 hereof is property of Bergwerks Verband zur Verwertung von Schutzrechten

der Kohlentechnik, G. m. b. H.,

3. That the property described as follows: Property described in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 20, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

1,771,293; 7-22-30; Wilhelm Gluud, Robert Schonfelder & Wilhelm Riese; process for the production of pure sulphur from crude impure materials which contain sulphur.

(b) All interest and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Bergwerks Verband zur Verwertung von Schutzrechten der Kohlentechnik, G. m. b. H. by virtue of an agreement dated July 18, 1931 (including all modifications thereof and supplements thereto, if any) by and between Bergwerks Verband zur Verwertung von Schutzrechten der Kohlentechnik, G. m. b. H. and The Koppers Company, which agreement relates, among other things, to certain United States Letters Patent, including Patent No. 1,724,366.

[F. R. Doc. 43-19083; Filed, November 29, 1943; 10:53 a. m.]

# [Vesting Order 2444]

SIEMENS AND HALSKE, A. G.

In re: Patents of Siemens & Halske A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Siemens & Halske A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Siemens &

Halske A. G;
3. That the property described as follows:
All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached here-

to and made a part hereof.

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above. to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

# EXHIBIT A

Patent Number, Date of Issue, Inventor, and Title

1,774,837; 9-2-30; Georg Masing; Process for the deoxidation of molten metals or alloys.

1,801,808; 4-21-31; Hellmut Fischer; Process for covering metals or alloys with layers of metallic beryllium.

1,809,442; 6-9-31; Hellmut Fischer; Process for the manufacture of metallic beryllium or its alloys.

1,813,919; 7-14-31; Hellmut Fischer; Process for the production of beryllium alloys in particular those with a high beryllium content by means of fused liquid electrolysis. 1,815,056; 7-21-31; Hellmut Fischer; The production of industrially valuable beryllium

salts from beryllium bearing metals.

1,820,655; 8-25-31; Hellmut Fischer; Process of obtaining beryllium compounds from beryllium bearing metals. 1,945,653; 2-6-34, Georg Masing & Wilhelm

Kroll; Alloy.

1,945,679; 2-6-34; Michael G. Corson; Cor-

rosion resistant alloy.

1,975,112; '10-2-34; Georg Masing & Otto
Dahl; Beryllium alloys.

1,975,113; 10-2-34; Georg Masing & Otto
Dahl: The heat treatment of copper-beryllium alloys.

1,975,114; 10-2-34; Georg Masing & Otto Dahl; The manufacture of springs.

[F. R. Doc. 43-19084; Filed, November 29, 1943) 10:53 a. m.]

[Vesting Order 2446]

NOVIBRA G. M. B. H. AND CARL STAUFERT

In re: Patent and Interests of Novibra G. m. b. H. and Carl Staufert in a contract with The Marquette Metal Products Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Carl Staufert is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That Novibra G. m. b. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

3. That the property identified in subparagraph 5 (a) hereof is property of Carl Staufert:

4. That the property identified in sub-paragraph 5 (b) hereof is property of Carl Staufert and/or Novibra G. m. b. H..

5. That the property described as follows: (a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,168,248, 8-1-39; Carl Staufert; Textile mill spindles.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement heremafter described, together with the right to sue therefor) created in Novibra G. m. b. H. and Carl Staufert, and each of them, by virtue of an agreement by and between Novribra G. m. b. H. and Carl Staufert and The Marquette Metal Products Company executed on behalf of The Marquette Metal Products Company on October 27, 1938 and executed on behalf of Novibra G. m. b. H. and by Carl Staufert on November 19, 1938 (including all modifications thereof and sup-plements thereto, including, but not by way of limitation, a supplement to the foregoing agreement executed on November 19, 1938 on behalf of Novibra G. m. b. H., and by Carl Staufert and also executed by The Marquette Metal Products Company) which agreement relates, among other things, to Patent No. 2,168,248.

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself.constitutes interests held therein by, nationals of a foreign country (Germany)

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in

lieu thereof, if and when it should be determined to take any one or all of such

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1943.

[SEAL]

LEO T. CROWLEY. Alien Property Custodian.

[F. R. Doc. 43-19086; Filed, November 29, 1943; 10:53 a. m.]

# [Vesting Order 2447]

ERICH OTTO VOIGTLAENDER AND JOSEPH H. HOFFMANN

In re: United States Letters Patent of Erich Otto Voigtlaender and Joseph H. Hoffmann.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Joseph H. Hoffmann is a citizen and resident of Germany and is a national of a

foreign country (Germany);
.2. That Erich Otto Voigtlaender is a citizen and resident of Germany, precently interned in India, and is a national of a foreign country (Germany);

3. That the property identified in subparagraph 4 hereof is property of Joseph H. Hon-mann and Erich Otto Volgtlaender;

4. That the property identified as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventors, and Title 2,225,283; 12-17-40; Erich Otto Volgt-laender and Joseph H. Hoffmann; Heat Exchange Apparatus

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification and deeming it necessary in the national

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Allen Property Custodian. This order shall not be deemed to limit the power of the Allen

Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herem shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1943.

[SEAL]

LEO T. CROWLEY. Alien Property Custodian.

[F.R. Doc. 43-19087; Filed, November 29, 1943; 10:53 a.m.]

### [Vesting Order 2448]

Wolff & Co. Kommanditgesellschaft AUF AKTIEN AND RICHARD WEINGAND

In re: Interests of Wolff & Co. Kommanditgesellschaft Auf Aktien and Richard Weingand in agreements with Sylvania Industrial Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Richard Weingand is a resident of

Germany and is a national of a foreign country (Germany);

2. That Wolff & Co. Kommanditge-relicehaft Auf Aktien (also known as Wolff & Co.) is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a

foreign country (Germany);
3. That the property identified in sub-paragraph 5a hereof is property of Richard Weingand and/or Wolff & Co. Kommandit-gecellschaft Auf Aktien (Wolff & Co.);

4. That the property identified in subparagraphs 5b and 5c hereof is property of Wolff & Co. Kommanditgecellschaft Auf Aktien (Wolff & Co.);

5. That the property described as follows: (a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Wolff & Co. Kom-manditgesellschaft Auf Aktien and Richard Weingand and each of them by virtue of an agreement dated January 24, 1934 (including all modifications thereof or supplements thereto, including, but without Limitation, a letter dated January 24, 1934 from Wolff & Co. Kommanditgesellschaft Auf Aktien to Sylvania Industrial Corporation) by and between Wolff & Co. Kommanditgesellschaft Auf Aktien and Sylvania Industrial Corporation, relating, among others, to patent number 2,000,835, issued May 7, 1935, inventor Franz Goldberger, for Artificial Sausage

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Wolff & Co. Kommanditgesellschaft Auf Aktien by virtue of an agreement dated January 12, 1934 in New York and January 24, 1934 in Walsrode (including all modifications thereof or supplements thereto, if any) by and between Wolff & Co. Kommanditgesellschaft Auf'Aktien and Sylvania Industrial Corporation, relating to a then unpatented process for producingnitrocellulose sausage casings.

(c) All interests and rights (including all royalties and other monies payable or held with respect to, such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Wolff & Co. by virtue of an agreement dated September 6, 1934 (including all modifications thereof or supplements thereto, if any) by and between Wolff & Co. and Sylvania Industrial Corporation, relating, among others, to patent number 2,253,157, issued August 19, 1941, inventors Richard Weingand and Irene Koberne, for Process for Producing Cellulose Sheets and Films,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property it-self constitutes interest held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealth with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity

or right to allowance of any such claim.
The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-19088; Filed, November 29, 1943; 10:54 a. m.]

[Vesting Order 2449]

NORDMARK-WERKE A. G. FUR ANGEWANDTE CHEMIE AND NORDMARK-WERKE G.M.B.H. ~

In re: Trade-Marks and Trade-Mark Registrations of Nordmark-Werke A. G. fur Angewandte Chemie and Nordmark-Werke G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation; finding:

1. That Nordmark-Werke A. G. fur Angewandte Chemie and Nordmark-Werke G. m. b. H. are corporations organized under the laws of Germany and are nationals of a

foreign country (Germany);
2. That the property described in subparagraph 4a hereof is property of Nordmark-Werke A. G. fur Angewandte Chemie;

3. That the property described in subparagraph 4b hereof is property of Nord-

mark-Werke G. m. b. H.,
4. That the property described as follows:
(a) The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A Part I attached hereto and made a part hereof and the registrations thereof together with;

(i) The respective good will of the business in the United States and all its possessions to which the trade-marks are appurte-

(ii) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment),

(iii) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, good will and trade-marks and registrations thereof, and

(iv) All accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof; (b) The trade-marks registered in the

United States Patent Office under the numbers and on the dates set out in Exhibit A Part II attached hereto and made a part hereof and the registrations thereof.

(i) The respective good will of the business in the United States and all its posses-.sions to which the trade-marks are appurte-

(ii) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other

equipment),
(iii) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, good will and trade-marks and registrations thereof, and

(iv) All accrued royalties payable or held with respect to said trade-marks and all daemages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification. and deeming it necessary in the national in-

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Allen Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

EXHIBIT A

PART I

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the name of Nordmark-Werke A. G. fur Angewandte Chemie.

Reg. No., Date and Character of Goods 284,560; 7-7-31; Pharmaceutical preparation etc.

292,436; 3-15-32; Diet and table salt.

## PART II

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the name of Nordmark-Werke G. m. b. H.

Reg. No., Date and Character of Goods

299,709; 12-20-32; Non-alcoholic maltless beverages sold as soft drinks and water.

299,779; 12–20–32; Ice. 300,187; 1–10–33; Medicinal preparation for use in the treatment of pernicious anemia. 300.188: 1-10-33: Medicinal dietetic food preparation etc.

300,355; 1-17-33; Liver food preparations

300,935; 2-14-33; Medicinal preparations for use in the treatment of diseases of the liver, etc.

301.052; 2-14-33; Medicinal preparations for the treatment of bronchial asthma, etc.

301,053; 2-14-33; Medicinal preparations for the causative treatment of melancholia and depression.

303,414; 5-23-33; Malt syrup for food purposes and fodder.

[F. R. Doc. 43-19089; Filed, November 29, 1943; 10:54 a. m.j

[Vesting Order 2450]

GESELLSCHAFT FUR DRUCKTRANSFORMA-TOREN G.M.B.H. KOENEMANN TRANSFOR-MATOREN)

In re: Patent of Gesellschaft fur Drucktransformatoren G.m.b.H. (Koenemann Transformatoren)

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Gesellschaft fur Drucktransformatorem G.m.b.H. (Koenemann Transformatoren) is a corporation organized under the laws of and having its principal place of business in Germany and is a national of

a foreign country (Germany);
2. That the property identified in subparagraph 3 hereof is property of Gesellschaft fur Drucktransformatoren G.m.b.H. (Koen-

emann Transformatoren);

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,003,310; 6≒-35; Fred D. Rexwinkle; Refrigeration.

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of-the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or ın part, nor shall it be deemed to ındicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F.R.Doc. 43-19111; Filed, November 29, 1943; 10:54 a. m.]

[Vesting Order 2451]

HANS LUCKHARDT

In re: Undivided 50% interest in United States Patent No. 2,173,283 owned by Hans Luckhardt of Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, undersigned, after investigation, finding;

1. That Hans Luckhardt is a citizen and resident of Germany and is a national of a foreign country (Germany);
2. That the property described in subpar-

agraph 3 hereof is property of Hans Luckhardt:

3. That the property described as follows: An undivided one-half (50%) interest which stands of record in the United States Patent Office in the name of Hans Luck-hardt in and to the following patent:

Patent Number, Date, Inventor and Title

2,173,283, 9-19-39, Hans Luckhardt & Anton Lorenz; Adjustable reclining chair;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof to which the owner of such interest is entitled,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 23, 1943.

LEO T. CROWLEY, [SEAL] Alien Property Custodian.

[F.R. Doc. 43-19112; Filed, November 29, 1943; 10:54 a. m.l

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 25, 1943.

REGION III

Cleveland Order No. F-2, Amendment No. 3,

filed 12:28 p. m. Cleveland Order No. F-4, Amendment No. 2, filed 12:29 p. m.

Saginaw Order No. 1-F, Amendment No. 2, filed 12:28 p. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on November 26, 1943.

REGION I

Maine Order No. 6, Amendment No. 3, filed 4:03 p. m. Maine Order No. 7, Amendment No. 3,

filed 4:03 p. m. Maine Order No. 7, Amendment No. 4,

filed 4:07 p.m.
Maine Order No. 7, Amendment No. 5,

filed 4:04 p. m. Maine Order No. 8, Amendment No. 4,

filed 4:07 p.m. Maine Order No. 8, Amendment No. 5,

filed 4:04 p. m. Maine Order No. 9, Amendment No. 4, illed 4:07 p. m.

Maine Order No. 9, Amendment No. 5, filed 4:07 p. m. Maine Order No. 10, Amendment No. 3,

filed 4:07 p.m. Maine Order No. 10, Amendment No. 4, filed 4:04 p. m.

PEGION II

Albany Order No. 12, filed 4:03 p. m. New York Order No. 9, filed 4:16 p. m. Trenton Order No. 10, filed 4:03 p. m. Williamsport Order No. 9, filed 4:17 p. m. Williamsport Order No. 10, filed 4:16 p.m.

# REGION III

Cincinnati Order No. 6, Amendment No. 1, filed 4:16 p. m.

REGION IV

Nashville Order No. 11, Amendment No. 1, filed 4:03 p. m. Nashville Order No. 11, Amendment No. 2,

filed 4:04 p. m. Montgomery Order No. 13, Amendment No. 2, filed 4:09 p. m.

RECION VI

Des Moines Order No. 1, Revocation, filed

Des Moines Order No. 2, Revocation, filed 4:02 p. m.

Des Moines Order No. 3, Revocation, filed 4:02 p.m. Des Moines Order No. 3A, Amendment No.

1, filed 4:19 p. m. Des Moines Order No. 4, Revocation, filed

4:02 p. m. Des Moines Order No. 4A, Amendment No.

1, filed 4:19 p. m. Des Moines Order No. 5, Revocation, filed

4:01 p. m. Des Moines Order No. 5A, Amendment No.

1, filed 4:18 p. m. Des Moines Order No. 6, Amendment No. 1,

filed 4:01 p. m. Des Moines Order No. 7, Amendment No. 1,

filed 4:02 p. m. Des Moines,Order No. 9, Amendment No. 1, filed 4:01 p. m.

Sloux City Order No. 10, filed 4:03 p. m. PEGION VIII

Freeno Order No. 7, Amendment No. 1,

filed 4:18 p. m. Freemo Order No. 7, Amendment No. 2, filed 4:17 p. m.

No. 238----6

Fresno Order No. 8, Amendment No. 2. filed 4:17 p. m. Phoenix Order No. 3-F, Amendment No. 2,

filed 4:03 p. m. Phoenix Order No. 4-F, Amendment No. 2,

filed 4:02 p. m.
Phoenix Order No. 6-F, Amendment No. 1,

filed 4:03 p. m.

Phoenix Order No. 7-F, Amendment No. 1, filed 4:03 p. m. Sacramento Order No. 5, Revocation, filed

4:18 p. m.

Sacramento Order No. 6, Revised, filed 4:18 p. m.

Sacramento Order No. 14, filed 4:18 p. m. Seattle Order No. 27, filed 4:17 p. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on November 27. 1943.

#### REGION II

Pittsburgh Order No. 5, filed 10:29 a. m.

#### REGION III

Iron Mountain Order No. 16, Amendment No. 1, filed 10:29 a. m.

Iron Mountain Order No. 19, Amendment No. 1, filed 10:29 a. m.

Lexington Order No. 1-F Amendment No. 5, filed 10:27 a. m.

Louisville Order No. 2-F, filed 10:27 a. m.

Jacksonville Order No. 1-F, Amendment No. 3, filed 10:27 a. m. Nashville Order No. 10, Amendment No. 2,

filed 10:28 a. m. Savannah Order No. 1-F, Amendment No.

11, filed 10:28 a. m. Savannah Order No. 2-F, Amendment No.

6, filed 10:28 a. m.

Savannah Order No. 8-F, Amendment No. 4, filed 10:29 a. m.

Copies of these orders may be obtained from the issuing offices.

> ERVIN H. POLLACK. Secretary.

[F. D. Doc. 43-19129; Filed, November 29, 1943; 3:01 p. m.]

[Region I Order G-20 Under 18 (c), MPR 280 and 329, Amdt. 31

# FLUID MILK IN RHODE ISLAND

Amendment 3 to Order Number G-20 under section 18 (c) as amended, of the General Maximum Price Regulation, § 1351.807, as amended, of Maximum Price Regulation No. 280, Prices for specific food products and § 1351.408 of Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Fluid milk in the State of Rhode Island.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, as amended, and by § 1551.408 of Maximum Price Regulation 329, as amended: It is hereby ordered, That subsections (3) and (4) of section (a) be amended, and that subsection (3) be added to section (h) to read as set forth below.

(a) \* \* \*

(3) Rhode Island Milk Marketing Areas 3; 4A, 4B; 6.

Milk	de-	Retail: Over counter	schools,	Whole-sale: Dealer to ped- dlers (per quart)
Quart bottles	\$0.15	\$0.14	\$0.125 .07 .0475 .0375 .96 1.20 4.40	\$0.12 .125 .125 .125

(4) Rhode Island Milk Marketing Area 4C; 5B; 5C.

Milk	Retail: de- livered	Retail: Over counter	schools,	Whole-sale: Dealer to ped- dlers (per quart)
Quart bottles	\$0.16	\$0.15	\$0.135 .07 .05 .04 1.00 1.25 4.80	\$0.13 .135 .135 .135 .135

(3) Amendment No. 3 shall become effective November 24, 1943, at 12:01 a.m.

Issued this 23d day of November 1943. (56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

> K. B. BACKMAN, Regional Administrator

[F. R. Doc. 43-19144; Filed, November 29, 1943; 3:21 p. m.]

[Region II Order G-12 Under MPR 165] LAUNDRY SERVICES IN MERCER COUNTY, N. J. AREA

Order No. G-12 under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended. Services.

Adjustment of laundry service prices in Mercer County, N. J., area.

Applications for permission to increase their present maximum prices for all their laundry linen supply, dry cleaning and storage services, as established under Maximum Price Regulation No. 165, as amended, Services, have been filed with the New York Regional Office of the Office of Price Administration by a majority of the power laundry establishments which supply such services in the Mercer County, N. J. area. After due consideration of these applications and other available information, it has been decided that some should be denied in full. some granted in part and denied in part, and others granted in full for the reasons set forth in the opinion hereto attached.

Accordingly, pursuant to the Emergency Price Control Act of 1942 as amended, and § 1499.114 (d) of Maximum

Price Regulation No. 165, as amended, Services. It is hereby ordered:

(a) The applications of the following named laundry establishments are granted to the extent that they are permitted to increase their present legal maximum prices for all their laundry, linen supply, dry cleaning, and related services, including commercial services, by the percentage amount set forth after their names, in the manner hereinafter. in paragraph (c) of this order, provided: Name, Address and Recommended Maximum

Price Increase Lincoln Laundry, 927 E. State St., Trenton,

N. J., 6 percent. Modern Laundry, 101 Howell St., Trenton, N. J., 12 percent.

Colonial Laundry, Inc., 366 Pennington Ave., Trenton, N. J., 6 percent,

Stacy Laundry Corporation, 100 Ward Ave., Trenton, N. J., 3 percent. Blakely Laundry Co., 156 Brunswick Ave., Trenton, N. J., 6 percent.

Economy Laundry Service, 40 Harris Ave.,

Trenton, N. J., 6 percent.
University Laundry & Dry Cleaning, 28
Moore St., Princeton, N. J., 12 percent.
Connor Bros. Laundry, 1015 Fairmount Ave.

Trentoh, N. J., 6 percent. Domestic Laundry, 31-37 Morris Ave., Tren-

ton, N. J., 12 percent. American Laundry, 326 Perry St., Trenton, N. J., 8 percent.

Capital Laundry, 36 Pearl St., Trenton, N. J., 12 percent.

(b) Any power laundry listed in paragraph (a) of this order is permitted to add to its present legal maximum price to agent drivers and retail hand laundry establishments supplied by it the percentage price increase granted to it in that paragraph. Agent drivers and retail hand laundry establishments, any of whose laundry services are supplied by any such power-laundry, are permitted to add to their retail prices for such services one-half only of the percentage increase herein granted to their supplier, in the manner provided by paragraph (c) of this order. If the permitted increase so computed is a fractional amount, the nearest whole amount may be used. (For example, if the computed increase is 2½%, 3% may be used) They shall be subject to all the other provisions of this order which are applicable to their circumstances,

(c) The percentage increases permitted to any laundry establishment by this order shall be applied only to the total amount of the bill rendered to each customer for any service afforded (as it would be computed under existing lawful maximum prices) Such increases may not be applied to individual items of service. Existing price lists shall not be altered. If the increased prices so arrived at include a fraction of a cent less than one-half, the price that may be charged shall be reduced to the nextlowest cent. If, however, the increased price includes a fraction equal to or more than one-half cent, the seller shall be permitted to charge the next higher

(d) Any power or hand laundry establishment and any driver agent of a power laundry which has been granted a price increase by this order shall give notification of such price increase as

follows: (1) furnish each customer within 15 days after the effective date of this Order with a statement cescribing its services, and specifying its lawful ceiling prices, and the percentage increase permitted it by the Order; (2) file a copy of the same statement with the appropriate District Office of the Office of Price Administration within 15 days after the effective date of this order, together with a statement signed by a responsible official of the laundry establishment certifying that the applicant has complied with section (1) above; (3) inscribe on each bill rendered the statement: "OPA permitted increase to maintain supply. \$\_\_\_\_;" and (4) give all new customers as acquired the same notification as heremabove provided for existing customers.

In addition, all power laundries to whom a price increase is permitted by this order shall immediately advise their agent driver and retail hand laundry customers of the amount of permitted price increase which the latter may add to their total bills under the provisions of paragraph (c) of the order, and of the manner in which such permitted increase

shall be computed.

(e) Customary allowances, discounts, or other price differentials may not be changed by any of the laundry service suppliers named or otherwise referred to in this order, unless such change results in prices lower than the prices permitted by this order, after applying the supplier's customary allowances, discounts, or other price differentials; and all laundry service suppliers named or otherwise referred to herein shall maintain all of their legal current pricing and other business practices.

(f) All of the power laundry establishments named herein shall keep this order and attached opinion in their establishments, together with the statement required by § 1499.108, and make them available for inspection by any person during business hours.

(g) Except as expressly provided by this order, all of the laundry establishments named or otherwise referred to in this order shall remain in all respects subject to all of the provisions of Maximum Price Regulation No. 165, as amended, Services.

(h) This order may be revoked or amended by the Regional Administrator of Region II or Price Administrator through the issuance at any time hereafter of any order or price regulation, or amendment or supplement thereto.

(i) Any relief requested by any applicant not expressly granted herein is denied. To the extent that the application of any laundry establishment herein named has been denied in whole or in part, such applicant may, within fifteen (15) days after the date on which this order was issued, request the Price Administrator to review such order of denial in the manner provided by Revised Procedural Regulation No. 1.

(56 Stat. 23,765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

This order shall become effective November 26, 1943.

Issued November 24, 1943.

DANIEL P WOOLLEY, Regional Administrator.

[F. R. Doc. 43-19143; Filed, November 29, 1943; 3:21 p. m.]

[Region VI Order G-4 Under 18 (c), Amdt. 2]
FLUID MILK IN DESIGNATED COUNTIES OF
ILLINOIS, INDIANA AND WISCONSIN

Amendment No. 2 to Order No. G-4 under section 18 (c) of the General Maximum Price Regulation (previously known as Regional Order No. 8) Adjustment of fluid milk prices for certain counties in Illinois, Indiana and Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation and by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation: It is hereby ordered, That Order No. G-4 under section 18 (c) of the General Maximum Price Regulation (previously known as Regional Order No. 8) be amended by adding thereto the following title: "Adjustment of fluid milk prices for certain counties in Illinois, Indiana and Wisconsin"

And it is further ordered, That paragraph 5 of said order No. G-4 be amended to read as set forth below

5. This order may be revoked, amended or corrected at any time. This order shall become effective January 4, 1943.

This amendment to Order No. G-4 (previously known as Regional Order No. 8) shall be effective as of April 1, 1943.

(56 Stat. 23. 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

RAYMOND S. McKeough,

Regional Administrator

[F. R. Doc. 43-19145; Filed, November 29, 1943; 3:22 p. m.]

[Region VII Order G-2 under RAPR 269]
DRESSED TURKEYS PURCHASED IN IDAHO
OR UTAH FOR CONSULIPTION IN MONTANA

Order No. G-2 under Revised Maximum Price Regulation No. 269. Emergency price adjustment on dressed turkeys purchased in Idaho or Utah for shipment to and consumption in Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1429.14 (a) of Revised Maximum Price Regulation No. 269, as amended, and for the reasons set forth in the accompanying opinion, this order is issued.

(a) Adjusted maximum prices for dressed turkeys. On and after the effective date of this order and during the limited period of time hereinafter specifled, dressed turkeys may be sold at any place in that part of the State of Idaho lying south of the northern boundary of Idaho County and at any place within the State of Utah by any seller to any buyer for shipment to and consumption within the State of Montana at the seller's maximum price f. o. b. his shipping point, as established under the applicable provisions of Revised Maximum Price Regulation No. 269, as Amended, and any such Montana buyer shall, during the limited period of time hereinafter specified and only as to dressed turkeys purchased by him f. o. b. in Idaho or Utah, have for his base price under Table B of § 1429.21 of Revised Maximum Price Regulation No. 269, as Amended, such maximum f. o. b. Idaho or Utah shipping point price, plus the cost of transportation at the lowest available common carrier rate.

(b) Term of order. This order No. G-2 shall be effective during the period of time beginning with November 22 and ending with Dacember 10, 1943, both inclusive, whereupon, at the hour of 11:59 p. m. on said 10th day of Dacember, 1943, it shall ipso facto and without any affirmative action whatsoever on the part of the Regional Administrator cease and determine and be of no further force and effect, except that its then termination shall be subject to the terms and provicions of Supplementary Order No. 40.

(c) Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one of more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(d) Applicability of other regulations. Except insofar as the same are inconsistent with or contradictory of any one or more of the terms and provisions of this Order No. G-2, all of the terms and provisions of Revised Maximum Price Regulation No. 269, as Amended, shall remain in full force and effect and be applicable to all persons buying or selling dressed turkeys under this order.

(e) Right to revoke or amend. This Order No. G-2 may be revoked, modified, or amended at any time during the term thereof by the Price Administrator or the Regional Administrator.

Effective date. This order shall become effective as of November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of November 1943. CLEM W. COLLINS,

Regional Administrator.

[F. R. Dac. 43-19146; Filed, November 29, 1943; 3:21 p. m.]

[Region VIII Order G-8 Under MPR 280, Amdt. 1]

### MILK IN CALIFORNIA

Amendment No. \_ to Order G-8.under § 1351.817 of Maximum Price Regulation No. 280, as Amended. Maximum prices for specific food products. Sales of milk by handlers located in the State of California.

For the reasons set forth m an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817 (a). of Maximum Price Regulation No. 280, as amended, paragraph (e) is amended and the effective date of Order G-8 is changed to read as-follows:

(e) Order No. G-6 under Maximum Price Regulation No. 280, is hereby revoked December 1, 1943.

This order shall become effective December 1, 1943.

This amendment shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of November 1943. L. F GENTNER,

Regional Administrator.

[F. R. Doc. 43-19147; Filed, November 29, 1943; 3:14 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 30-118]

NORTHEASTERN WATER AND ELECTRIC CORP. NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of November 1943.

Notice is hereby given that an application, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, has been filed by Northeastern Water and Electric Corporation, presently a registered holding company, seeking an order of this Commission declaring that Northeastern Water and Electric Corporation has ceased to be a holding company.

All interested persons are referred to said application, which is on file at the office of the Securities and Exchange Commission, for a full statement of the facts upon which Northeastern Water and Electric Corporation is relying insupport of the instant application, which may be summarized as follows:

Northeastern Water and Electric Corporation, on or about September 2, 1943, sold all shares of stock of Caribou Water, Light and Power Company theretofore owned by it. As a result of this disposition it is asserted that Northeastern Water and Electric Corporation does not now own, control or hold with power to vote ten per centum or more of the outstanding voting securities of any public utility company or of any holding company.

It appearing to the Commission that it is appropriate, in the public interest and in the interests of investors and consumers, that a hearing be held with respect to said matter:

It is ordered, That a hearing under the applicable provisions of said act and the rules promulgated thereunder be held on December 7, 1943, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the hearing, shall notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice on or before December 5, 1943.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application, particular attention will be directed at such hearing to the following matters and questions:

(1) Whether Northeastern Water and Electric Corporation directly or indirectly owns, controls or holds with power to vote, 10 per centum or more of the outstanding voting securities of a public utility company or of a company which itself owns, controls or holds with power to yote 10 per centum or more of the outstanding voting securities of a public utility company

(2) Whether Northeastern Water and Electric Corporation, either alone or pursuant to an arrangement or understanding with one or more other persons, directly or indirectly, controls a public utility or holding company through one or more intermediary persons or by any means or device; is an intermediary company through which control is exercised; or directly or indirectly exercises such a controlling influence over the management or policies of any public utility or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Northeastern Water and Electric Corporation be subject to the obligations, duties, and liabilities imposed upon holding companies by

(3) In the event that the Commission finds, and so declares by order, that Northeastern Water and Electric Corporation has ceased to be a holding company, what terms and conditions should be prescribed in that order as necessary and appropriate for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretaru.

[F. R. Doc. 43-19161; Filed, November 30, 1943; 10:50 a. m.]

[File Nos. 70-684, 54-86]

TWIN STATE GAS & ELECTRIC CO., ET AL.
INTERIM ORDER GRANTING APPLICATIONS AND

INTERIM ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE IN PART

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of November, 1943.

In the matter of The Twin State Gas & Electric Company, Public Service Company of New Hampshire, Central Vermont Public Service Corporation and New England Public Service Company, File No. 70-684; The Twin State Gas & Electric Company, Central Vermont Public Service Corporation and New England Public Service Company, File No. 54-86.

The Twin State Gas & Electric Company, Public Service Company of New Hampshire, Central Vermont Public Service Corporation and New England Public Service Company, the last named being a registered public utility holding company, having filed applications and declarations and amendments thereto, pursuant to sections 6, 7, 9, 10, 11 (e) and 12'of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to the following transactions:

1. The Twin State Gas & Electric Company will sell to Public Service Company of New Hampshire and Public Service Company of New Hampshire will acquire from The Twin State Gas & Electric Company all the latter's rights and properties pertaining to its electric and gas businesses in New Hampshire and its electric business in Maine, \$10,000 principal amount of 3% debentures, and 20 shares of common stock of Nepsco Appliance Finance Corporation, incidental current assets and certain other securities and miscellaneous real estate. Public Service Company of New Hampshire will pay the sum of \$3,946,362 subject to subsequent adjustments, for the above properties and securities, other than ourrent assets. The current assets will be acquired at fair value as determined by the parties less the amount of current liabilities assumed.

2. A portion of the proceeds from the sale will be used by The Twin State Gas & Electric Company to redeem at 101 its outstanding 5½% Mortgage Bonds in the principal amount of \$2,435,200 and the balance, together with treasury funds, will be used to pay outstanding bank loans in the amount of \$2,055,250.

3. Public Service Company of New Hampshire will raise the necessary cash to finance the proposed purchase by selling \$900,000 principal amount of its First Mortgage 3½% Series A bonds due 1973, and \$2,500,000 of unsecured 10-year notes maturing serially in amounts of \$125,000 semiannually. The bonds and notes will be offered privately to a limited number of financial institutions and the names of the purchasers, price and interest rate of the notes will be determind at a later date:

4. Public Service Company of New Hampshire will issue 3,180 shares of common stock and will pay \$20 in cash to New England Public Service Company in exchange for New England Public Service Company's holdings of: (a) interest in 1,000 shares of beneficial interest of Swans Falls Company' (b) 10 shares of common stock of Nepsco Appliance Finance Corporation; (c) \$20,000 principal amount of 3% debentures of Nepsco Appliance Finance Corporation; (d) 200 shares of common stock of Nepsco Services, Inc., and (e) \$6,000 principal amount of 5% debentures of

Nepsco Services, Inc.
5. The Twin State Gas & Electric Company's obligations to New England Public Service Company in the principal amount of \$250,000 together with accrued interest (\$76,602 as at July 31, 1943) and all of the 15,525 shares of 5% Preferred Stock of The Twin State Gas & Electric Company which are held by New England Public Service Company (par value \$1,552,500) will be cancelled and New England Public Service Company will surrender to Central Vermont Public Service Corporation 49,950 shares of the latter's common stock out of its total holdings of 50,000 shares.

6. Central Vermont Public Service Corporation will, prior to the merger with The Twn State Gas & Electric Company, take steps to increase its authorized common stock to 500,000 shares. Central Vermont Public Service Corporation will also amend its Articles of Association to give further voting rights to its Preferred Stock, including the right to elect a majority of the Board of Directors in the event of dividend defaults in excess of one year's requirements, and additional voting rights in mergers and consolidations, and with respect to 1ssuance of floating debt or additional preferred stock of equal or prior rank.

7. The merger of the two companies will then take place and in connection therewith Central Vermont Public Service Corporation will acquire the Vermont and New York properties of The Twin State Gas & Electric Company and the holders of the outstanding 24,550 shares of 7% Prior Lien Preferred Stock of The Twn State Gas & Electric Company willreceive in cash \$110 per share plus accrued dividends to the effective date of the merger. New England Public Service Company which presently owns all of the common stock of The Twin State Gas. & Electric Company, will receive in exchange for this investment 141,996 shares of the common stock of Central Vermont Public Service Corporation.

Following the merger, Central Vermont Public Service Corporation will issue and sell privately \$500,000 principal amount of its First Mortgage 3½% Series C Bonds, due 1973 at a price to it of not less than 105 and accrued interest and will issue and sell to underwriters 195,000 shares of common stock at a price to it of not less than \$15,25 per share to provide funds for the payment to the Twin State Prior Lien Preferred Stockholders, the payment of its presently outstanding bank loan of \$150,-000 and for working capital purposes.

9. Central Vermont Public Service Corporation will issue to New England Public Service Company 2,954 shares of common stock in exchange for New Eng. land Public Service Company's holdings of \$40,000 principal amount of 3% Debentures of Nepsco Appliance Finance Corporation, \$8,000 principal amount of 5% Debentures of Nepsco Services, Inc., and \$2.50 in cash.

10. After the merger New England Public Service Company will carry its holdings of the common stock of Central Vermont Public Service Corporation at the same gross amount as it is presently carrying its investments in The Twin State Gas & Electric Company and Central Vermont Public Service Corporation. To this gross book amount will be added the amount of the additional investment made by New England Public Service Company in connection with these transactions. Against this gross book amount it proposes to set up a reserve estimated at \$4,351,580 so that the net amount per share on the books of New England Public Service Company of the new stock will be equal to the price per share at which the 195,000 shares of new common stock of Central Vermont Public Service Corporation will be sold to the public. The price of such stock is presently estimated at \$16.25 per share. The reserve is to be provided by earmarking as specifically applicable to the Central Vermont Public Service Corporation investment the reserve of \$3,-000,000 presently on the books of New England Public Service Company entitled, "Reserve Created in 1933 and 1934 for Capital Losses, The Amounts of Which Have Not Yet Been Determined" and by transferring the necessary balance from capital surplus; and

The Twin State Gas & Electric Company having filed a declaration pursuant to Rule U-62 regarding proxy material to be sent to stockholders in connection with its special stockholders' meeting:

A public hearing having been held on said application and declarations, as amended, after appropriate notice; the Commission having considered the record in this matter and having made and filed its Findings and Opinion and its

Report herein:

It is hereby ordered, That the aforesaid applications, as amended, be and hereby are granted (other than the applications relative to the issuance and sale of securities) and the aforesaid declarations, as amended, be and hereby are permitted to become effective and that the various transactions herein be and the same hereby are approved pursuant to the applicable sections of the act, including sections 11 (e) and 12 (f) subject, however, to the terms and conditions set forth in Rule U-24 and subject also to the following additional terms and conditions:

1. That the granting of said applications and the permitting of said declarations to become effective (other than the declaration filed pursuant to Rule U-62) are upon the express condition that (a) if the Vermont Public Service Commission, the New Hampshire Public Service Commission and the Public Utilities Commission of the State of Maine shall not have approved such of the foregoing transactions as require the approval of such Commissions, or (b) if the requisite

approvals of stockholders of The Twin State Gas & Electric Company, Central Vermont Public Service Corporation, and Public Service Company of New Hampshire shall not have been obtained, or (c) if the issue and sale of the securities proposed to be issued and sold, as set forth hereinabove, shall not have been consummated at the minimum prices and upon the terms proposed, or if all of such conditions shall not have been fulfilled within sixty days from the date of our order herein, then, and in any of such events, the Commission's order herein shall be null, void and of no effect, unless the Commission shall otherwise order.

2. That jurisdiction be and the same hereby is reserved by the Commission to pass upon the issuance and sale of the securities proposed to be issued, and to issue such other and further order or orders as may be necessary and appropriate in connection therewith, or in connection with the consummation of the plan or the various other transactions described herein, or for the purpose of modifying or altering the conditions set forth in the last preceding paragraph.
3. That jurisdiction be and the same

hereby is reserved to the Commission to pass upon all legal fees incurred in connection with the foregoing transactions.

4. That The Twin State Gas & Electric Company shall send copies of the Commission's Report herein to all stockholders solicited in connection with the special meeting of its stockholders to be held for the purpose of voting upon the Agree-ment of Merger with Central Vermont Public Service Corporation and upon the sale of The Twin State Gas & Electric Company's New Hampshire and Maine properties to Public Service Company of New Hampshire.

It is further ordered and recited, That the transactions described in paragraphs 1 through 10 above are found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and that said transactions be and hereby are specifically authorized, permitted and approved to effectuate the provisions of section 11 (b) of said Act within the meaning of section 373 (a) of the Internal Revenue Code, as amended, and that said transactions shall be consummated within sixty days from the date of our order.

It is further ordered, That the accompanying report be and the same hereby is adopted as the Report of the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[P.R. Dac. 43-19162; Filed, November 30, 1943; 10:50 a. m.]

# WAR FOOD ADMINISTRATION.

HANDLING OF MILK IN NEW YORK METRO-POLITAN MARKETING AREA

REVISED NOTICE WITH RESPECT TO PROPOSED AMENDMENTS

Revised notice with respect to report of Director of Food Distribution relative to proposed amendments to the order (No. 27) regulating the handling of milk in the New York metropolitan marketing area.

Pursuant to § 900.13 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR,) 1941 Supp., 900.13) notice is hereby given that the report filed with the hearing clerk in the Office of the Solicitor, Department of Agriculture, on August 18, 1943 (8 F.R. 11555) with respect to proposed amendments to the order, as amended, and the marketing agreement. as amended, regulating the handling of milk in the New York metropolitan marketing area, is revised only by inserting in the paragraph of the report dealing with diversion payments or relocating differentials, and immediately following the words "should not again," the words 'at this time."

This revised notice supersedes the October 20, 1943 notice with respect to the said report (8 F.R. 14366)

Filed at Washington, D. C., this 29th day of November 1943.

C. W KITCHEN, Acting Director of Food Distribution.

Approved: November 29, 1943. THOMAS J. FLAVIN, Assistant to the War Food Administrator

[F. R. Doc. 43-19165; Filed, November 30, 1943; 11:10 a. m.]

### WAR SHIPPING ADMINISTRATION.

#### BLACKHAWK

NOTICE OF DETERMINATION OF OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on September 7, 1942 title to the vessel "Blackhawk" (238414) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress) provides in part. as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine, Act, 1936, as amended, or the act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the Federal Register, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: Provided however, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title

requisition except with the consent of the owner. \* \* \*

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law.

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than titlo thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

[SEAL]

E. S. LAND, Administrator.

NOVEMBER 27, 1943.

[F. R. Doc. 43–19151; Filed, November 80, 1943; 10:32 a. m.]